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MONTANA LEGISLATIVE HISTORY

Chapter 560 1993

Bill H 405 S _____ Original bill & history —C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) 2-5	✓C	Hearing Date(s) 3-3	✓C
2-9	✓C	3-12	✓C
_____	___C	3-27	—C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

no Minutes from Conferance Committee

2/16	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/08	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	46	0
3/11	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 158		
	EFFECTIVE DATE: 03/24/93		

HB 404 INTRODUCED BY DEBRUYCKER, ET AL.

CLARIFY USE OF FUNDS FOR STATE VETERANS' CEMETERY

1/30	INTRODUCED		
1/30	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/30	FISCAL NOTE REQUESTED		
1/30	FIRST READING		
2/02	REREFERRED TO STATE ADMINISTRATION		
2/05	FISCAL NOTE RECEIVED		
2/05	FISCAL NOTE PRINTED		
2/09	HEARING		
2/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/10	PLACED ON CONSENT CALENDAR		
2/13	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/16	FIRST READING		
2/16	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/09	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED		
3/11	2ND READING CONCURRED	48	0
3/12	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 159		
	EFFECTIVE DATE: 07/01/93		

HB 405 INTRODUCED BY FISHER

CREATE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR

1/30	INTRODUCED		
1/30	REFERRED TO JUDICIARY		
1/30	FIRST READING		
1/30	FISCAL NOTE REQUESTED		
2/05	HEARING		
2/05	FISCAL NOTE RECEIVED		
2/05	FISCAL NOTE PRINTED		
2/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/13	2ND READING PASSED	93	5
2/16	3RD READING PASSED	94	4
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO JUDICIARY		
3/03	HEARING		
3/30	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		

3/31	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	46	2
	RETURNED TO HOUSE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS NOT CONCURRED	75	24
4/06	CONFERENCE COMMITTEE APPOINTED		
4/16	CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	97	0
4/20	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	96	0
	SENATE		
4/07	CONFERENCE COMMITTEE APPOINTED		
4/17	CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/20	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	46	0
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 560		
	EFFECTIVE DATE: 10/01/93		

HB 406 INTRODUCED BY BARNHART, ET AL.

INCREASE PARENTAL LEAVE FOR ADOPTIVE PARENTS AND BIRTH FATHERS

1/30	INTRODUCED		
1/30	REFERRED TO STATE ADMINISTRATION		
1/30	FIRST READING		
2/05	HEARING		
2/05	TABLED IN COMMITTEE		

HB 407 INTRODUCED BY DOLEZAL, ET AL.

REVISE DEFINITION OF GENERAL RECREATIONAL USE AS APPLIED TO USE OF STATE LANDS, ELIMINATE LICENSE, AND REQUIRE POSTING

1/30	INTRODUCED		
1/30	REFERRED TO NATURAL RESOURCES		
1/30	FISCAL NOTE REQUESTED		
1/30	FIRST READING		
2/06	FISCAL NOTE RECEIVED		
2/08	FISCAL NOTE PRINTED		
2/15	HEARING		
2/17	TABLED IN COMMITTEE		
2/20	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	46	53

HB 408 INTRODUCED BY FAGG, ET AL.

GENERALLY REVISE MONTANA SUBDIVISION AND PLATTING ACT

1/30	INTRODUCED		
1/30	REFERRED TO NATURAL RESOURCES		
1/30	FIRST READING		
2/03	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	2ND READING PASSED AS AMENDED	77	22
2/19	3RD READING PASSED	76	22

House BILL NO. 405

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; AND AMENDING SECTION 45-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Ritual abuse of minor -- exceptions -- penalty.** (1) A person commits the offense of ritual abuse of a minor if the person purposely or knowingly and as part of a ceremony, rite, or similar occurrence:

(a) actually or by simulation tortures, mutilates, or sacrifices an animal or person in the presence of the minor;

(b) dissects, mutilates, or incinerates a human corpse or remains in the presence of the minor;

(c) forces upon the minor or upon another person in the presence of a minor the ingestion or the external bodily application of human or animal urine, feces, flesh, blood, bone, or bodily secretions or drugs or chemical compounds;

(d) places a living minor or another living person in a coffin or open grave that is empty or that contains a human corpse or remains; or

(e) unless lawfully acting in defense of self or another person, threatens the minor or, in the presence of the minor, a parent, relative, friend, or pet of the minor with death or serious bodily harm and the minor reasonably believes that the threat will or may be carried out.

(2) This section does not apply to medical, religious, burial, agricultural, animal husbandry, educational, food preparation, hunting, fishing, or other activities, practices, and procedures allowed by law.

(3) A person convicted of ritual abuse of a minor shall, for the first offense, be imprisoned in the state prison for a term not to exceed 10 years and for a second or subsequent offense shall be imprisoned in the state prison for any term up to life imprisonment.

Section 2. Section 45-1-205, MCA, is amended to read:

"**45-1-205. General time limitations.** (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, ~~or~~ 45-5-625, or [section 1], may be commenced within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time the offense occurred.

(2) Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

HB 405
INTRODUCED BILL

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The period prescribed in subsection (2) is extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination ~~thereof~~ of the minority or incompetency;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not ~~himself~~ personally a party to the offense or, in the absence of ~~such~~ discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) ~~shall~~ must be extended in a prosecution for unlawful use of a computer, and prosecution ~~shall~~ must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not ~~himself~~ personally a party to the offense or, in the absence of ~~such~~ discovery, within 1 year after the prosecuting

officer becomes aware of the offense.

(5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.

(6) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced either when an indictment is found or an information or complaint is filed."

NEW SECTION. **Section 3.** Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions of Title 45 apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0405, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act creating the criminal offense of ritual abuse of a minor.

ASSUMPTIONS:
1. It is assumed that this bill, by itself, does not create a significant workload increase for the legal staff of the Department of Justice.
2. The bill is assumed to cause no net fiscal impact to the state judicial system.
3. The fiscal impact on local governments, if any, is not subject to reasonable estimate.

FISCAL IMPACT:
None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
The fiscal impact, if any, is not subject to reasonable estimate.

Dave Lewis 2-4-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Marjorie Fisher 2-5-93
MARJORIE FISHER, PRIMARY SPONSOR DATE

Fiscal Note for HB0405, as introduced

HB 405

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0323	MCCARTHY, BEA 1/23	2/02	INJUNCTION AGAINST ONE CONVICTED OF CRUELTY TO ANIMALS DO PASS 2/3 VOTE: 18-0		2/05
HB0335	TOOLE, HOWARD 1/23	2/12	GENERALLY REVISE CHILD SUPPORT ENFORCEMENT LAWS PASS AS AMENDED 2/16 VOTE: 18-0		2/18
HB0340	BROWN, DAVE 1/25	2/02	INCLUDE PURCHASE OR ATTEMPT TO PURCHASE ALCOHOL UNDER POSSESSION STATUTE PASS AS AMENDED 2/4 VOTE: 16-2		2/08
HB0346	BENEDICT, STEVE 1/25	2/09	MEDICAL MALPRACTICE TORT REFORM PASS AS AMENDED 2/19 VOTE: 10-8		2/20
HB0357	FAGG, RUSSELL 1/26	2/09	EXPAND CATEGORY OF PERSONS PROTECTED BY AIRCRAFT LIEN PASS AS AMENDED 2/9 VOTE: 18-0		2/11
HB0370	MOLNAR, BRAD 1/27	2/10	ESTABLISHING INCENTIVES TO ATTRACT DOCTORS TO MEDICAL SHORTAGE AREAS TABLED ON 02/13 VOTE: 15-2	APPROPRIATIONS	
HB0396	WHALEN, TIM 1/30	2/04	REFUSAL OF DRIVER TO TAKE ALCOHOL TEST CAN'T AFFECT INSURANCE PASS AS AMENDED 2/4 VOTE: 16-2		2/09
HB0405	FISHER, MARJORIE 1/30	2/05	CREATE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR PASS AS AMENDED 2/9 VOTE: 17-1		2/11
HB0409	PAVLOVICH, BOB 1/30	2/05	SET REQUIREMENTS NECESSARY TO WAIVE INDIGENTS' FILING FEES IN COURT ACTIONS DO PASS 2/5 VOTE: 18-0		2/08
HB0411	JOHNSON, ROYAL 1/30	2/05	DEPT. OF JUSTICE SUBSTANTIVE CHANGES TO GAMBLING LAWS PASS AS AMENDED 2/12 VOTE: 18-0		2/17
HB0416	STRIZICH, BILL 2/01	2/10	REQUIRE REPORTING OF HATE CRIMES PASS AS AMENDED 2/17 VOTE: 11-7		2/18
HB0429	STRIZICH, BILL 2/02	2/11	MAKE MANUFACTURE OF DANGEROUS DRUGS A SEPARATE OFFENSE; RAISE PENALTY DO PASS 2/11 VOTE: 15-2		2/15

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN RUSSELL FAGG,** on February 5, 1993, at 8:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Dave Brown, Vice Chairman (D)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl Winslow (R)
Rep. Diana Wyatt (D)

Members Excused: None

Members Absent: Non

Staff Present: John MacMaster, Legislative Council
Beth Miksche, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 409, HB 405, HB 411
Executive Action: HB 409, HB 282

HEARING ON HB 409

Opening Statement by Sponsor:

REP. ROBERT J. "BOB" PAVLOVICH, House District 70, Butte, introduced HB 409 which would require that poor persons provide a

financial statement and that a court order of approval be issued before filing fees are waived.

Proponents' Testimony:

Clara Gilreath, Montana Association of Clerks of Court, provided exhibits to support uniformity of petitions to be used across the state. **EXHIBIT 1**

Lori Maloney, Montana Association of Clerks of Court, also provided an exhibit to support uniformity of petitions to be used across the state. **EXHIBIT 2**

Cort Harrington, Montana Association of Clerks of Court, stated that he is very familiar with the financial ramifications required to have an attorney appointed in criminal cases, and he assured the committee that an affidavit is merely a document. Many people come into his office and request an attorney. The exhibits attached are used as a screening process to make sure a person can afford an attorney. **EXHIBIT 3**

Written testimony from **Mary Phippen, Clerk of District Court, Glacier County. EXHIBIT 4**

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. RANDY VOGEL asked **Mr. Harrington** if there was any recourse other than not providing an attorney if a person doesn't adequately complete the paperwork. It is **Mr. Harrington's** experience that people typically don't lie on an affidavit; they generally respect the court system. It's almost impossible to lie on these forms as a county attorney will not sign them without verification of the information.

Closing by Sponsor: None.

Craig Thomas, Executive Secretary, Board of Pardons, gave a presentation on the State Board of Pardons. **EXHIBIT 5**

HEARING ON HB 405

Opening Statement by Sponsor:

REP. MARJORIE FISHER, House District 3, Whitefish, said she introduced this bill to create the criminal offense of ritual abuse of a minor at the request of a psychologist, **Carol Lewis.**

Several people involved in this ritual have contacted their county attorneys, who also contacted her. The people who contacted their attorneys requested anonymity because their lives have been threatened by those heavily involved in the cult rituals.

Proponents' Testimony:

REP. FISHER provided testimony from a constituent who was unable to testify during the hearing. **EXHIBIT 6**

Marcie Garay, parent of an abducted and abused son, discussed her son who had been abducted and abused by this cult. She emphasized that this cult is very active in Montana and believes it is absolutely necessary that parents, teachers and the police department become educated and aware of the ramifications of this activity. It cost $85,000 to treat her son, and he is still under psychological treatment.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

HEARING ON HB 411

Opening Statement by Sponsor:

REP. ROYAL JOHNSON, House District 88, Billings, opened the hearing on this bill which generally revises the public gambling and amusement game laws of Montana. He introduced personnel from the Department of Justice to further explain the bill.

Proponents' Testimony:

Joe Mazurek, Attorney General, presented written testimony. **EXHIBIT 7**

Janet Jessup, Administrator, Department of Justice, presented written testimony. **EXHIBIT 8**

Opponents' Testimony:

Dennis Casey, Executive Director, Gaming Industry Association, stated that the Gaming Industry Association is concerned about two issues. First, the word felony is used throughout the bill.

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL DATE 2-5-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice	✓		
Rep. Angela Russell	✓		
Rep. Tim Savles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

HR:1993
wp.rollcall.man
CS-09

EXHIBIT 7-6
DATE 2-7-93
HB 405

February 4, 1993

The Hon. Marjorie Fisher
Montana House of Representatives
Capitol Station
Helena, Montana 59620

Dear Rep. Fisher:

Thank you for calling me back about your HB 405 on ritual abuse. I appreciate the time you took to speak with someone whose life has been directly affected -- adversely -- by the problem your bill will address.

Enclosed is written testimony, with a brief cover letter, that I would be grateful if you would submit for the committee hearing record, as well as provide copies to committee members and anyone else interested. If time allows and you're so inclined, feel free to read aloud all or part of my testimony for the benefit of those attending the hearing.

I've also attached an article on ritual abuse that was just published by Ms. Magazine as part of their efforts to convince a doubting society that ritual abuse DOES exist. I can provide the committee with copies of articles from popular periodicals as well as professional journals about ritual abuse, recovery, treatment, occurrence rates, etc. I can also provide a bibliography of books written on the topic by treatment professionals experienced in cult ritual abuse. I have many of those books available.

I also want to let you know that ritual abuse is considered a significant-enough problem in Montana that the nation's foremost experts at treating the "worst" cases of cult abuse survivors are planning to come to Montana to lead training seminars for local therapists and treatment professionals.

For your information, I know some of the committee members, and that may influence their reaction to my testimony. As I mentioned to you previously, I've had a successful and sometimes highly visible work career. I have been a reporter and/or editor for the Missoulian, the Great Falls Tribune, the Helena Independent Record, the Associated Press (Helena bureau), the Lee Newspapers State Bureau, and a few other smaller Montana newspapers.

I was a Legislative Analyst with the U.S. House of Representatives in the office of Congressman Pat Williams for four years, managed the Congressional campaign of Buck O'Brien in 1988, and have worked for the Montana State AFL-CIO as their writer/researcher.

As a result of my work, I know House Judiciary Committee members Dave Brown, Howard Toole, Tim Whalen, and Diana Wyatt. Many others may be familiar with my work, but not me personally. Dave Brown is the one I know best, and I think he'll be swayed by that, if any swaying is necessary.

I will return from Denver by Monday, and will check in with you to see how the hearing went and if there is anything I can do to assist further -- and believe me, I want to help. If the bill makes it to the Senate, which I expect it should, I'll be anxious to appear before the Senate committee. I have no further out-of-town travel planned or anticipated.

Please remember that my work on this bill is personal, and is not endorsed by my employer, the Montana State AFL-CIO, which has no formal position on the bill. However, they do know I'm working with you on it, and have no objection. Please do not discuss my employment during your work on this legislation; many people know I'm here, but I don't advertise it.

I look forward to talking with you when I return. Thanks again for taking the time to include me.

Sincerely,

Randall E. Mills

Randall E. Mills

TESTIMONY OF RANDALL E. MILLS, HELENA, ON HOUSE BILL 405
BEFORE THE HOUSE JUDICIARY COMMITTEE
OF THE MONTANA LEGISLATURE

FEBRUARY 5, 1993

Mr. Chairman, members of the committee, for the record, my name is Randy Mills, and I'm a Helena resident who wants to urge your favorable consideration of this important bill to outlaw certain abusive cult ritual activities.

I am interested in and supportive of this bill because I am an adult survivor of severe abuse, perpetrated during my youth in northwestern Montana, New York, California and other places.

Like many survivors of severe abuse, I have been diagnosed as having Multiple Personality Disorder, and am in my third year of intensive psychotherapy to cope with these long-standing effects of abuse.

Professionally, I am a writer and researcher, and have been a reporter or copyeditor for most of the state's newspapers and news agencies. As a result of my disorder and the traumatic level of therapy I have been undergoing, I have not worked in the last two years and am considered 100 percent disabled by the Social Security Administration. I have recently begun a trial return to work program.

It is sad to admit that Montana does not have strong enough criminal sanctions to cover ritual abuse, but it is even sadder to admit that ritual abuse even occurs -- and to innocent children.

In fact, the horrors of ritual abuse, especially satanic cult abuse, are so tremendous that many people simply refuse to believe that it exists. Critics maintain that claims of satanic ritual abuse are really just attention-seeking by self-centered children or fantasy-enhanced memories of sexual or physical abuse that really did happen, but not in a cult or ritual setting.

Critics also say that there are no real satanic cults in America, that they do not have any organized structure or system, and that IF they exist, they do not routinely do anything even vaguely similar to what survivors are alleging across America. And society's refusal to believe in ritual crime is easy to understand: why would anyone want to believe that this exists? Why would anyone want to believe that their neighbor might be a closet satanist who works by day and drinks blood by night? It's far, far easier to simply deny that it exists, and to dismiss the claims of survivors as fantasies or even psychosis.

I am living proof that the critics are wrong. I and my fellow survivors are living proof that parents, siblings, grandparents, aunts, uncles and their friends can perpetrate severe physical, sexual and satanic ritual abuse on children in their own families, as well as other children.

I am living proof that there is an organized underground satanic cult network in the United States, and that they have active "covens," "grottoes" and other groups across the country. I live under threat from these people because of my recovery of memories of the abuse, and because of my activism in the area of exposing ritual abuse and treating survivors of such abuse.

I carry a gun and other personal defense items, and I try to keep my home address and phone number from being disclosed. Nevertheless, I do not cower from these people, and I am not afraid of speaking out against the abuse they perpetrate and pass on from generation to generation. I fully expect some sort of harassment and/or retribution as the result of my activism on this topic, and I am prepared for it.

Like many survivors of ritual abuse (I personally know about 150, many from Montana), I feel an obligation to stand up against these perpetrators and to speak out on behalf of fellow survivors who are not yet strong enough or safe enough to speak out.

We all know that child abuse is far more widespread than was thought 20 years ago, or even 10 years ago. We **KNOW** that such abuse has occurred and continues to occur at an alarming pace. We also know, despite claims to the contrary, that satanic ritual abuse has occurred and continues to occur at rates beyond most peoples' ability to comprehend.

If child abuse is a gun that shoots holes in the soul, satanic ritual abuse is an atomic bomb that vaporizes and shatters the soul, fragmenting it so badly that most ritual abuse survivors have Multiple Personality Disorder, Post-Traumatic Stress Disorder, or any number of other dissociative disorders that serve as coping tools.

While I do not want to publicly go into the details of abuse that I have begun remembering in my therapy process, I'll share that the sexual, physical and ritualized abuse was so horrific that my personality has shattered into more than 100 identifiable pieces that maintain separate identities, separate realities and entirely distinct interactions with current society.

EXHIBIT #6
DATE 2-5-93
HB-405

My poly-fragmented Multiple Personality Disorder is the result of abuse that would, in part, be outlawed by House Bill 405. Virtually every activity this bill proposes to criminalize was perpetrated on me by a family member and non-family members from the time of birth until my young adult years. Less-frequent forced interactions with these and other abusers continued until my early 20s.

Through my personal experience and my contacts with other survivors, I know that abusers can range from anonymous "ordinary" people to highly visible and respected community leaders, including health professionals, school teachers, law enforcement professionals, priests, business people, government employees, members of the U.S. armed forces, and members of the U.S. intelligence community. Literally anyone -- regardless of where they are on the economic, professional or social ladders -- can be involved in ritualized abuse and satanic cult abuse. And they're very good at leading "normal" daytime lives, while killing, maiming and abusing by night.

They regularly perpetrate the actions this bill would outlaw, and they focus their attention on young children who have absolutely no way to escape. They break down a child's will and trust to the point that the child truly believes that there is no way to get out and no person "safe" enough to talk to.

If the cult members begin their activities early enough in the child's life, as is often the case, the child grows up and, through the fragmenting of personalities, creates an internal psychic structure that allows the belief that "this is all there is."

They grow up not knowing that they're being abused. They grow up not knowing that it isn't normal to drink human blood still warm from the body.

They don't learn know that it isn't normal to consume the ground-up remains of human fetuses forcibly withdrawn from the womb of women used for cult "breeding" of undocumented children.

They don't learn that it isn't normal to tie a young woman to a stone "altar" and then rape her, sodomize her, skin her, disembowel her, and then, finally, kill her and thoroughly dispose of the remains.

They don't learn that most kids actually have beds instead of cages; that food is served cooked on plates, rather than raw meat thrown on the sub-basement floor; or that human and animal urine and feces are ordinarily not touched, drank, eaten, smeared on the body or injected into the body.

They grow up "knowing" that they can't tell about what has happened to them because the cult will find out. They are told -- and made to truly believe -- that eyeballs have been surgically implanted inside the body to allow the cult to track the child for the rest of his or her life. They are told -- and made to believe -- that devices have been implanted to allow the cult to see and hear if the child ever "tells." They are told -- and made to believe -- that bombs or other self-destruct devices have been implanted so that they will die if they ever "tell.

I could go on at great length describing the horrors I've seen and that fellow survivors have reported, and which I believe without question. Some of the stories would make what I've just described seem like a pleasant Sunday picnic.

I hope and believe passage of this bill will encourage people to report ritual crime -- perhaps slowly at first, but with growing frequency. I do not believe this bill will serve as a retardant to the spread of ritual abuse, especially that of organized transgenerational satanic cults. The people who perpetrate these acts are well beyond the reach of what you would consider normal human reason and emotion; a law criminalizing their activities will be meaningless to them.

I believe the bill may have some restraining effect on people who "dabble" in satanism and ritualized abuse, and perhaps even on our young people who are more and more frequently turning to satanism as a protest and a social support system. Just as ghetto children turn to gangs for some kind of "bonding" and family-like support, some of our children -- right here in Montana -- turn toward satanism as an alternative to an already rotten home life. Children who voluntarily turn toward what I call "minor" satanic activities would never touch the stuff if they were more aware of what happens to kids who have the misfortune to be born into an organized transgenerational cult.

Passing this bill would have an obvious and immediate impact on the state's ability to prosecute alleged ritual abusers. But most importantly, with proper promotion and public exposure, the bill will send a strong message to survivors that they **DO** have allies in their healing, and that someone somewhere **DOES** care.

Passage of House Bill 405 will be a strong message of support and affirmation to survivors of ritual abuse who get precious little support from a non-believing society.

I urge you to give HB 405 a "do pass" recommendation.

Thank you.

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Ms.

Your 1993 Activist Calendar

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Gloria Steinem

Marilyn Waring

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****

BY ELIZABETH S. ROSE

SURVIVING THE UNBELIEVABLE

A FIRST-PERSON ACCOUNT OF CULT RITUAL ABUSE

I sat helplessly next to my daughter as an ambulance whisked her to the hospital. Barely hearing the siren's blare, my head echoed with the doctor's words—frightening words like "spinal tap" and "infectious meningitis," the possibility that my beautiful 15-month-old girl was dying. It was any mother's worst nightmare. But for me, it was even more terrifying.

I am a survivor of cult ritual abuse.

Although I had been sworn to secrecy as a child, only two months earlier I had begun talking in therapy about my cult experiences. I had betrayed the cult—and now revenge was being taken against my daughter. Or so it seemed.

I thought my daughter's illness a punishment brought down by the cult, or by Satan—maybe even by God, because of my cult involvement. Long-repressed terror gripped me; irrational thoughts filled my mind. I had been led to believe that there was no escape from the cult, that cult members would watch every move I made until the day I died. I had been away from the cult for many years, but it still affected every aspect of my life.

Seeing my baby so close to death brought forth startling flashbacks. I could hear my uncle's voice; I could even smell his sweat, as I remembered his chilling words: "When you grow up, I'm gonna kill your babies the same way we killed your baby sister, understand? Babies deserve to die. Satan wants their blood, especially girl babies, because they taste so good."

This was the reality I had been taught as a child. I had been involved in a generational satanic cult and had been ritually abused in that cult setting. My thought patterns were altered through brainwashing and severe psycho-

army man, had been assigned to Vietnam, so my mother took me to live with her family during his absence.) My mother's sister was the first person to perform acts of ritual abuse on me. My aunt told me I was being punished because I was a wicked little girl. In the months following, I witnessed my aunt commit many acts of ritual abuse.

There were approximately 20 adults and eight to ten children in this particular cult. Ostensibly, women and girls were the center of cult activities. In my family's cult, fertility and sexuality were the focus of many different ceremonies. Numerous sermons were devoted to woman's place in Satan's world. We were told that because Eve had accepted the fruit from the serpent, women were inherently more wicked and evil than men, and so more capable of carrying out Satan's work. Men were considered weaker beings who were manipulated into doing Satan's work. It was a woman's sacred role to tempt men into doing wickedness in Satan's name as her foremother, Eve, had done.

In rhetoric, women seemed to be held in high esteem—but the reality was far different. Women were maligned, humiliated, and abused. A woman's value in the cult was based solely on her sexuality: either her ability to have intercourse or to be fertile and bear children. The men in the cult dominated the women, physically and emotionally.

The abuse was aimed primarily and directly at the women and children. I don't recall witnessing any rituals or abusive acts perpetrated against adult men, although boys in the group were also sodomized, beaten, and tortured, even by their own fathers.

The idea of female wickedness and depravity was pounded into my head at the impressionable age of four. I was told repeatedly that a woman's only value was her ability to sacrifice herself to Satan. If she was worthless to Satan, she would be worthless to the world. I got the message that a female child had no value to cult members, except in her ability to participate in rituals. The life of a girl was an expendable commodity. In our cult, only female infants were sacrificed. Thus, when a woman or teenage girl got pregnant, it was deemed crucial to discover the sex of the fetus. Males were allowed to live. The life of a female depended on the cult's current needs.

A NOTE TO SURVIVORS AND FRIENDS OF SURVIVORS

Ritual abuse leaves survivors with many problems. Depression, posttraumatic stress disorder, and severe dissociative disorders, including multiple personality disorder, are all common in survivors. Certain rituals can leave survivors physically injured or maimed.

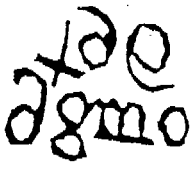
Yet while the effects of ritual abuse can be devastating, they are not necessarily permanent. Healing is possible. The strength and the courage that were needed to survive the abuse will see a survivor through the toughest days of recovery.

In order to heal, the bonds of mind control must be destroyed. Overwhelming fear, irrational thoughts, and social isolation can keep the survivor shackled to the cult. The survivor must first be absolutely and unconditionally removed from that situation. This first step is often the hardest. It is essential to have a good therapist when working through these issues. Ask specifically if the therapist is experienced in ritual abuse issues. Some providers are not educated about ritual abuse can actually make matters worse. The survivor has been through enough already.

Many health insurance programs cover the cost of counseling. But if money is a problem, the survivor should try to find a mental health agency that provides free or reduced-cost counseling for sexual abuse survivors. Another possibility could be a state fund for victims of violent crimes. Check the local district attorney's or sheriff's office for details concerning eligibility. I strongly encourage survivors to seek out their own resources. Education and support are the keys to recovery.

My mother became pregnant a few months after I was inducted into the cult. About seven months later, the cult decided she was carrying a girl child. Her labor was induced and the infant delivered prematurely by the cult doctor at our house. I witnessed the birth. The baby was born tiny, but alive.

Two days later, I was forced to watch as they killed my baby sister by decapitation in a ritual sacrifice. The sacrifice was followed by a communion ritual, during which human flesh and blood were consumed. The death was never reported, because the birth had not been reported.



In rhetoric, women were held in high esteem. In reality, women were humiliated and abused.

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DATE 2-5-93
HB 405

ogical abuse. Even as an adult, I sometimes find myself trapped in the lies and threats the cult used to indoctrinate and control me.

Ritual abuse has been cloaked in darkness for too long. Our society has a history of denying and minimizing the existence of all abuse, particularly ritual abuse. Many people don't want to face the fact that ritual abuse occurs in their modern, "civilized" society. The horror and grotesqueness of these details are too much to accept. People would rather believe that survivors—particularly women survivors—are crazy. This keeps many survivors from coming forward. It is time to look at the subject in daylight, time to differentiate between satanism and ritual abuse, to examine the role of male domination, cult secrecy, and the types of abuse and rituals used.

Ritual abuse can be difficult to define. Each victim's experience can vary greatly. The best definition I have found comes from the Los Angeles County Commission for Women (LACCW), which sponsored a ritual abuse task force that defined the practice as:

"A brutal form of abuse of children, adolescents, and adults, consisting of physical, sexual, and psychological abuse, and involving the use of rituals. Ritual does not necessarily mean satanic. However, most survivors state that they were ritually abused as part of satanic worship. . . . Ritual abuse rarely consists of a single episode. It usually involves repeated abuse over an extended period of time."

Ritual abuse can be perpetrated by family members or strangers, men or women, rich or poor, educated or uneducated people. It can take place in a home, a day care center, or a barn. It encompasses every form of child abuse. At its worst, ritual abuse can involve severe torture. Some experts define ritual abuse to include ritualistic abuse that is not cult-based. For example, David Finkelhor—a pioneer in the research of child sexual abuse—includes pseudoritual abuse used for the purposes of child pornography, and also obsessive, sadistic behavior performed ritualistically by sociopathological individuals. I have chosen to focus on *cult* ritual abuse, because it is still so gravely misunderstood.

In cults, ritual abuse can be used for the purpose of indoctrinating new members into the cult belief system. Cult ritual abuse is devastating to the individual, and it can also be lethal. I personally witnessed the murders of two children, one of whom was my baby sister. These deaths were a direct result of satanic ritual sacrifices.

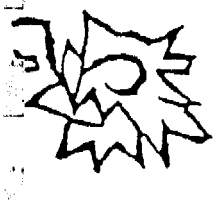
Satanism is defined by the dictionary as "the worship of Satan marked by the travesty of Christian rites." Basically, this means that satanic religions use the same prayers and ceremonies as the Christian church, substituting Satan's name for God's and the word "evil" for the word "good." The format of the ceremony is similar to some Christian services.

Satanic worship can take place without ritual abuse. According to the LACCW task force, spokesmen for the two larger satanic organizations have stated that abuse and sacrifice are not a part of their organized worship. But not all satanic worship falls under the auspices of these organizations. Exactly how often abusive acts are a part of satanic worship is difficult to ascertain. The secretive nature of the abuse eludes accurate statistics.

There are some small family cults passed down from generation to generation, in much the same way as other religions are passed on. Children are taken to services and exposed to cult activities and ideas at an early age. Other children can be brought into the cult—through day care exploitation, for example. The cult beliefs become ingrained in the thinking and behavior of these children. Blood sacrifices and death sacrifices can sometimes be a part of these smaller cults.

My mother's otherwise ordinary middle-class family participated in one of these secret satanic cults. We lived in a small city, but our Saturday nights were regularly spent at explicitly satanic cult meetings held in a cabin in the country, a site the cult owned specifically for ritual purposes. I can trace the family's involvement back to my grandmother's generation at the very least, although it probably goes back further. Most, perhaps all, of my mother's family were involved. She herself was indoctrinated at a very young age, and it was she who introduced me to the cult.

My indoctrination and most intense involvement took place when I was four to five years old. (My father, an



My mother's otherwise ordinary middle-class family participated in a generational satanic cult.

POSTTRAUMATIC STRESS DISORDER

PTSD can be caused by any highly traumatic event. It is characterized by flashbacks, intrusive nightmares, emotional detachment or dissociation, and sometimes, survivor guilt. Severe PTSD is typical for ritual abuse survivors.

It helps to educate oneself and loved ones about PTSD, to learn how to care for oneself and how to deal effectively with any symptoms that might arise, to accept the flashbacks as a fact of life for survivors and prepare for them, to recognize stressful aspects of one's life, and try to reduce stress as much as possible.

MULTIPLE PERSONALITY DISORDER

The subject of multiple personalities is complex and still largely misunderstood. There is much controversy among professionals about how to define and treat MPD. Some therapists do not consider this a disorder at all, but a very effective coping technique in the face of overwhelming trauma.

A survivor should honor what her mind did to cope with the horrors of abuse. It's vital to ignore the sensationalism of the press: having MPD does not make you "crazy." Karyn Willis DeLorme, a Hagerstown, Maryland, therapist specializing in early childhood trauma, states: "Prognosis is excellent when intensive psychotherapy with an experienced clinician is available." Seek out a therapist specifically trained in MPD.

Having alter personalities does not mean one is possessed by evil spirits. In my family's cult, MPD was purposely manifested in some cult members strictly for the intent of showing "possession" by the devil. MPD is a phenomenon of the human mind—no more, no less.

SEXUALITY

The violent, often grotesque, nature of ritual sexual abuse can leave the survivor with a view of sex that wavers between terror and nausea. Some survivors may not know what "normal" (nonviolent) sexual behavior is. A survivor should promise herself never to participate in S and M tactics when having sex; it repeats the abuse and could trigger flashbacks or regression. Sex is not supposed to hurt.

If a survivor is already in an established relationship when memories emerge, she should talk honestly with her partner. She may need to redefine her sexuality; she may need a break from sex altogether. I needed, and took, a long rest from sex. It was difficult, but my relationship survived, and my partner and I enjoy a comfortable sex life at this point.

RELIGION AND SPIRITUALITY

Because the abuse took place in a ritualistic setting, any reminders of rituals and ceremonies may trigger flashbacks. No survivor should force herself to participate in church activities that are painful. I am still not comfortable in a Christian church. Instead, I choose to explore my faith in other ways, by understanding that spirituality comes from within me.

Friends or partners of survivors can help greatly by accepting the survivor's choices about church, religion, and spirituality, and by letting the survivor explore her spirituality in her own way and at her own pace.

There was no official evidence that the infant had ever existed, let alone that she had been murdered.

There were no witnesses, other than cult members and their children. As far as I can tell, my father was never aware that my mother had even been pregnant. My mother had been impregnated by the cult soon after his departure. When he came home from Vietnam, he seemed unaware of my mother's cult ties. My father, who frequently made comments about my mother's "crazy family," was apparently in denial about the reality that she was involved in a ritualistic cult. I tried to tell him everything, but he passed my stories off as childhood nightmares. He soon received another army assignment, and my mother and I moved away with him. This ended the intensive period of cult involvement, but for the next 20 or so years, every time my mother took me "home" as a child, or when I visited her and her family even as a young adult, the cult terrorized me and pulled me back in. Yet after my experience of being disbelieved by my father, I did not even try to talk about my cult experiences for the next 25 years.

I had expected my father to *know*, somehow, that I had been abused. Yet the clues are not always obvious. Sexual, emotional, and psychological abuse leave few external scars. And cult leaders are knowledgeable about how to perform ritualistic abuse so it will not be detected.

In *Combatting Cult Mind Control* (Park Street Press), Steven Hassan writes that "the cult member comes to live within a narrow corridor of fear, guilt, and shame . . . fear is a major motivator." I grew up absolutely convinced that if I ever got out of line, I would be killed like my baby sister. This fear is typical of children who are exposed to cults. The LACCW task force notes that "victims are subjected to profound terror as well as to mind control techniques so severe that most victims dissociate their memories of the experience and lose their sense of free will."

Because of the strict secrecy, even a close family member may not be aware of the cult involvement. My paternal grandparents lived in the same town, saw me frequently, and still did not know I was being ritually abused. Because of the threats I had received, I never

HELPFUL BOOKS

Bass, Ellen, and Laura Davis, "The Courage To Heal: A Guide for Women Survivors of Child Sexual Abuse" (HarperPerennial, 1988). The definitive book on healing. Has a good chapter on ritual abuse.

Davis, Laura, "Allies in Healing: When the Person You Love Was Sexually Abused as a Child" (HarperPerennial, 1991). This book is useful to survivors as well. It has an excellent short chapter on cult abuse and a good resource list.

Davis, Laura, "The Courage To Heal Workbook: For Women and Men Survivors of Child Sexual Abuse" (HarperPerennial, 1990). Companion book to "The Courage To Heal."

Gil, Eliana, Ph.D., "United We Stand: A Book for People with Multiple Personalities" (Launch Press, 1990; P.O. Box 5629, Rockville, Md. 20855). This small book encourages multiples to "see themselves as the creative, sturdy, smart survivors that they are."

Greven, Philip, "Spare the Child: The Religious Roots of Punishment and the Psychological Impact of Physical Abuse" (Knopf, 1991). Discusses the abusive nature of religious upbringing. Very relevant to cult survivors. Religious support of abuse is not limited to cults! This book also has an in-depth section on the consequences of abuse.

Hassan, Steven, "Combatting Cult Mind Control" (Park Street Press, 1990; Rochester, N.Y.). Deals with the protection, rescue, and recovery from destructive cults. Useful list of resources included.

GROUPS AND ORGANIZATIONS

American Family Foundation, P.O. Box 2265, Bonita Springs, Fla. 33959-2265; (212) 249-7693. A research and educational organization founded to assist ex-cult members and their families.

Believe the Children, P.O. Box 268462, Chicago, Ill. 60626; (708) 515-5432. A volunteer organization that addresses issues of the sexual and ritualistic exploitation of small children. Resource list, referrals, speakers' bureau.

National Coalition Against Sexual Assault (NCASA), P.O. Box 21378, Washington, D.C. 20009; (202) 483-7165. Provides information for survivors of sexual assault of any kind.

National Organization for Victims Assistance, 1757 Park Rd., N.W., Washington, D.C. 20010; (202) 232-6682. Aids victims in locating resources in their local area.

VOICES in Action (Victims of Incest Can Emerge Survivors), P.O. Box 148309, Chicago, Ill. 60614; (312) 327-1500. International organization for survivors, professionals, and partners. Newsletter, referrals, ritual abuse help list, R.A. survivors correspondence group. —E.S.R.

told my grandparents what was happening. It wasn't until I was in my late twenties that I finally was able to sever all contact with the cult—which also meant severing contact with my mother and her family.

Dissociation and repression of memories make disclosure very difficult. The victim may not have conscious awareness that abuse took place. If memories do emerge years later, descriptions of the rituals are so bizarre that they are often discounted as untrue.

Physical abuse is the most easily detected form of abuse, the type that leaves the most clues. But cult members are smart; there was a doctor in our cult who taught members how to "discipline" children so as to leave no scars. Some examples are torture with pins and needles, forcing a child to take mind-altering drugs, and submerging a child in water, particularly as part of a satanic baptismal ritual. Other tactics include withholding of food or water, sleep deprivation, and forced eating of feces, urine, blood, or raw flesh.

Of course, some cults do use more obvious methods, and physical abuse is often used in cult families, even outside the context of the cult. Physical beatings, use of cuts, burns, or tattoos, and the removal of body parts have all been reported by survivors. I personally witnessed the removal of a boy's testicle as part of a ritual ceremony. Nothing was used to numb the pain. He was instructed to tell anyone who asked that he had been born with only one testicle.

Many cult rituals focus on sexual themes. My mother and my best friend were both raped as part of fertility rituals. The victim was strapped to the altar table in front of a ritual gathering and systematically gang-raped while the fertility rites were chanted. The purpose was to impregnate the victim. The resulting fetus was sometimes used in ritual sacrifice.

Other sexual abuse includes the raping of young girls or infants. Both girls and boys may be sodomized or penetrated with symbolic objects, such as a crucifix, or with weapons. There can also be forced sexual contact with infants, animals, or dead bodies.

It must be emphasized that these rituals are *not* used primarily for spiritual or religious purposes. They are used expressly for the purpose of control and intimidation of cult followers. In my family's cult, I was told by the leader that members were like a flock of sheep and the rituals kept them in line. This leader did not believe in the existence of Satan and told me that I needn't

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either. Belief in Satan is cultivated in order to instill fear, and the use of rituals is an emotional straitjacket designed to keep cult members under control.

More direct forms of mental abuse are also used. Verbal abuse, brainwashing, isolation, and violent threats are only a few of the tactics employed. Mind control and psychological abuse are key elements of ritual abuse. The victims, particularly children, can then be easily molded into the cult ideal. As the LACCW task force report states, "During and even long after the abuse, victims live in a state of terror and dissociation . . ."

It is very hard to overcome the intense fear and guilt. The irrational thoughts I had when my daughter became ill are a good example of how pervasive mind control can be. The younger the child is, the more likely mind control methods will be integrated into the child's personality—or that multiple personalities will develop.

Another form of control is through "social" abuse. This is a term I have coined to describe how a cult takes children out of mainstream society and socializes them in such a way that they cannot return. Some people come out of a cult not knowing the simplest of social skills. For example, a child is taught that a fork is a weapon. Use of table cutlery is basic to modern Western societies. To deprive a child of exposure to such fundamental social skills constitutes social abuse. I was once put in isolation for several months, which meant that no one spoke to me, answered me, or touched me unless in public with noninitiates around. I remember feeling literally invisible, believing that I would die unless someone touched me—any kind of touching, even painful, was better than none. Cult children may never learn how to meet people, make friends, or sustain a lasting relationship. Not coincidentally, lack of social skills tends to keep the victim tied to the cult, the only familiar environment. Breaking off from the cult means breaking off from strong social ties, and in many cases, breaking off from one's own family.

This develops into the vicious cycle of intergenerational abuse. Cult children find that their only companions are those who were also exposed to cult behavior. They grow up frustrated by their primal need for social interaction and tormented by the repressed rage caused by constant abuse. They sometimes turn into abusers themselves. The cycle is repeated until individual survivors have the strength *and* the resources to break free.

How do we stop ritual abuse?

For a start, we can believe that it exists. Because society tends to doubt stories of ritual abuse, this attitude carries over into the court system. Laura Davis, author of *Allies in Healing,* writes, "Many therapists, law enforcement personnel, judges, and lawyers prefer to believe that cult abuse survivors are suffering from hallucinations; that their memories are merely fantasies."

Indeed, far too little is done at this point to combat cult crimes. The Illinois Coalition Against Sexual Assault has addressed this issue in its publication, *Coalition Commentary:* "Because children are considered poor witnesses, and because most people cannot accept that horrible crimes are committed upon children, offenders are freed. Children are revictimized because people cannot face the truth."

The truth is that *ritual abuse exists.* It is hideous and devastating. It does not exist because some evil force is trying to gain control of the world. It exists because violence is perpetrated against women and children, and then passed on to the next generation. Ritual abuse is at the extreme end of a continuum of abuse. Generations of abusive behavior cannot be overcome simply by throwing a few perpetrators in jail. Society must take on the responsibility of finding a way to eradicate *all* kinds of abuse.

Most important, if we want to stop ritual abuse, the first step must be to believe that these brutal crimes occur. Society's denial makes recovery much more difficult for survivors. Those who have suffered from ritual abuse need the same respect and support that would be given to survivors of any tragedy.

I, for one, am tired of living my life in the shadows of cult ritual abuse, and I am tired of living in fear. It is only by taking this unbelievable reality out of the shadows and into the sunlight that we can begin to wake up—and put an end to it. Ms.

Elizabeth S. Rose is the pseudonym of a free-lance writer currently working on a novel about ritual abuse. She lives with her husband in the southeastern United States. They have two children who have never been exposed to cult activities.

If we want to stop ritual abuse, the first step is to believe these brutal crimes occur.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Judiciary COMMITTEE BILL NO. SB 405

DATE Feb. 5, 1993 SPONSOR(S) Fisher

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
M Fisher			
M Garay	Parent	✓	
A Gilkey	DFS	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN RUSSELL FAGG,** on February 9, 1993, at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Dave Brown, Vice Chairman (D)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl winslow (R)
Rep. Diana Wyatt (D)

Members Excused: None

Members Absent: Rep. Angela Russell

Staff Present: John MacMaster, Legislative Council
Beth Miksche, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 357, HB 346
Executive Action: HB 357, HB 94, HB 236, HB 405

HEARING ON HB 357

Opening Statement by Sponsor:

REP. RUSSELL FAGG, House District 89, Billings, said this bill expands the category of persons and entities that have an aircraft lien. He sponsored HB 357 on behalf of the Montana Airport Association. It is his understanding that in many

EXECUTIVE ACTION ON HB 357

Motion: **REP. BROWN MOVED HB 357 DO PASS.**

Motion: **REP. BROWN** moved two amendments. Line 15, after the word "an" and before "airport", insert: "aircraft"; and on line 17, after "airport," insert: "or agent of the airport." The purpose of this bill is to help operators in small airports.

Vote: **REP. BROWN's** amendment. The amendment carried unanimously 18-0.

Vote: **HB 357 DO PASS AS AMENDED.** Motion carried unanimously 18-0.

EXECUTIVE ACTION ON HB 94

Motion: **REP. BROWN MOVED HB 94 DO PASS.**

Discussion:

REP. BROWN distributed a gray bill replacement for the bill. **EXHIBIT 6** Everything in the original bill is printed in the gray bill. A gray bill is a vehicle that allows putting all the amendments in the bill so that it can be read the way it would look after extensive amendments are made. He then read the bill through.

Vote: **HB 94 "GRAY BILL" DO PASS.** Motion carried 17-1. **REP. TASH** abstained from voting.

EXECUTIVE ACTION ON HB 236

Motion: **REP. TOOLE MOVED HB 236 DO PASS.**

Discussion:

Motion/Vote: **REP. TOOLE** proposed amendments. See Standing Committee Report. The motion carried 17-1 with **REP. SMITH** voting no.

Vote: **HB 236 DO PASS AS AMENDED.** Motion carried 17-1 with **REP. SMITH** voting no.

EXECUTIVE ACTION ON HB 405

Motion: **REP. WHALEN MOVED HB 405 DO PASS.**

Discussion:

Motion/Vote: **CHAIRMAN FAGG** moved **Mr. MacMaster's** proposed

amendment. See attached Standing Committee Report. **CHAIRMAN FAGG** moved the amendment. Amendment passed 16-2 with **REPS. BROWN** and **VOGEL** voting no.

Vote: **HB 405 DO PASS AS AMENDED.** Motion carried 17-1 with **REP. VOGEL** voting no.

ADJOURNMENT

Adjournment: 11:00 a.m.

REP. RUSSELL FAGG, Chairman

BETH MIKSCHE, Secretary

RF/bcm

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL DATE 2-9-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice	✓		
Rep. Angela Russell			✓
Rep. Tim Sayles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

HR:1993
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CS-09

HOUSE STANDING COMMITTEE REPORT

February 9, 1993

Mr. Speaker: We, the committee on Judiciary report that House Bill 405 (first reading copy -- white) do pass as amended .

Signed: _____
Russ Eagg, Chair

And, that such amendments read:

1. Page 1, line 22.
Following: "person"
Insert: "in the presence of a minor"

-END-

Committee Vote:
Yes 17 No 1

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL VOTE

DATE 2-9-93 BILL NO. HB405 NUMBER 18

MOTION: Motion to pass HB405 Carried 17-1.

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair		✓
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt	✓	

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0405	FISHER, MARJORIE 2/20	3/03	3/12	CREATE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR CONCUR AS AMENDED 3-27		3/30
HB0409	PAVLOVICH, BOB 2/16	3/08		SET REQUIREMENTS NECESSARY TO WAIVE INDIGENTS' FILING FEES IN COURT ACTIONS CONCUR AS AMENDED 3-15		3/15
HB0411	JOHNSON, ROYAL 2/22	3/17		DEPT. OF JUSTICE SUBSTANTIVE CHANGES TO GAMBLING LAWS CONCUR 3-26		3/27
HB0416	STRIZICH, BILL 3/01	3/16		REQUIRE REPORTING OF HATE CRIMES CONCUR AS AMENDED 3-26		3/30
HB0429	STRIZICH, BILL 2/20	3/05	3/08	MAKE MANUFACTURE OF DANGEROUS DRUGS A SEPARATE OFFENSE; RAISE PENALTY CONCUR AS AMENDED 3-17		3/18
HB0468	RICE, JIM 2/20	3/15		PREFERENCE FOR COMMITMENT TO DEPT. CORRECTIONS, NOT STATE PRISON CONCUR AS AMENDED 3-26		3/29
HB0474	PETERSON, MARY LOU 3/18	3/25		REQUIRE COUNTY ATTORNEY FUNDING IN BUDGET PROCESS CONCUR 3-26		3/27
HB0482	BOHLINGER, JOHN 3/18	3/25		CIVIL CONTEMPT FOR FAILURE TO PAY SUPPORT; SUSPENSION OF STATE LICENSES CONCUR AS AMENDED 3-27		3/30
HB0496	WYATT, DIANA 2/20	3/12		REVISE THE MONTANA HUMAN RIGHTS LAWS CONCUR AS AMENDED 3-15		3/15
HB0499	COBB, JOHN 2/20	3/11		REVISE BOARD OF BAR EXAMINERS CONCUR 3-11		3/16
HB0502	BARNETT, JOE 3/01	3/08		REVISE BAIL FORFEITURE & REQUIRE RETURN OF BOND WITHIN 30 DAYS OF CONVICTION CONCUR 3-8		3/08
HB0506	TASH, BILL 3/01	3/16		ALLOW NONPROFIT RAFFLE FOR LAND WORTH MORE THAN $5,000 CONCUR 3-22		3/23

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Bill Yellowtail, on March 3, 1993, at 10:12 a.m.

ROLL CALL

Members Present:

Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 340
	HB 187
	HB 405
Executive Action:	HB 340
	HB 187

HEARING ON HB 340

Opening Statement by Sponsor:
Representative Dave Brown, District 72, said HB 340 would create a new offense for attempting to purchase alcoholic beverages by underage individuals. HB 340 would give bartenders a reasonable basis to charge an offense for selling to underage individuals if there was proof the bartender took certain steps to find out if the individual was of legal drinking age. A purchaser would have

Opponents' Testimony:
NONE

Questions From Committee Members and Responses:
Senator Bartlett asked Mr. Melcher why the last three sections of HB 187 were being struck. Mr. Melcher said the Chairman of the House Judiciary Committee felt that the effective date should be October 1 to avoid being challenged. Mr. Melcher said the provision that defined "willfully obtained public assistance" was struck to prevent confusion.

Senator Rye asked Mr. Melcher if it would be considered stealing if someone lied to get welfare. Mr. Melcher said yes.

Senator Grosfield asked Mr. Melcher why section 2 was struck. Mr. Melcher said that adding "willfully" may confuse the ability to press a prosecution.

Senator Grosfield asked if striking section 2 would affect the effectiveness of HB 187. Mr. Melcher said no.

Closing by Sponsor:
Senator Halligan closed for Rep. Sheila Rice.

EXECUTIVE ACTION ON HB 187

Motion:
Senator Towe moved HB 187 BE CONCURRED IN.

Discussion:
Senator Blaylock told the Committee that most people would not have $1,000 for a fine. If they do not have the money, they would be thrown in jail. Senator Blaylock asked about restitution or community service as an alternative.

Senator Doherty said a sentencing alternative from fines to jail will also include community service.

Vote:
The motion CARRIED UNANIMOUSLY.

HEARING ON HB 405

Opening Statement by Sponsor:
Rep. Fisher, District 3, said ritual abuse of children is

occurring. HB 405 was patterned after a bill that was passed in the State of Idaho. HB 405 was reviewed at the annual meeting of county attorneys in Billings. The county attorneys supported HB 405. Ritual abuse is real. Rep. Fisher said she did not ask anyone to testify because most people are fearful for their life. Rep. Fisher read excerpts from a letter by a resident in Helena. "I am interested in the support of this bill because I am an adult survivor of severe abuse perpetrated in my youth in northwestern Montana, New York, California, and other places. Ritual abuse is so terrible that many people refuse to believe that it exists. Critics maintain that people who claim ritual abuse are attention seekers or self centered children who were sexually abused by children. It is far easier to deny ritual abuse exists. Satanic abuse occurs and continues to occur, which is beyond most peoples ability to comprehend. Rep. Fisher asked the Committee for a DO PASS recommendation.

Proponents' Testimony:
Dawn Peterson read from prepared testimony. (Exhibit #3)

Randy Mills read from prepared testimony. (Exhibit #4)

Sharon Hoff, Montana Catholic Conference, said she could not believe the abominations that are being done to children. Ms. Hoff said the church stands in full support of HB 405 and recommends it DO PASS.

Opponents' Testimony:
NONE

Questions From Committee Members and Responses:
Senator Rye asked Mr. Mills if the memories of the ritual abuse started later on in his life. Mr. Mills yes. The average age of diagnosis of post traumatic syndrome, or any dissociative disorder, is 34 years of age. Mr. Mills said the memories of ritual abuse is repressed so deeply that only when a person is able to handle the memories, does it come out. Mr. Mills said he once was a very functioning person, and at the moment is functioning very well.

Senator Halligan asked Rep. Fisher about the penalties. Rep. Fisher said the penalties were patterned after the Idaho law.

Senator Halligan asked Rep. Fisher if provisions for fines, restitution, or counseling was discussed in the House Judiciary Committee. Rep. Fisher said no.

Senator Doherty asked Rep. Fisher if there had been any prosecutions in Idaho under this statute. Rep. Fisher did not know of any.

Senator Doherty asked Rep. Fisher if there were any other states that have statutes similar to HB 405. Rep. Fisher did not know.

Senator Towe asked Rep. Fisher about subsection 2, page 2, lines 5 through 8. Rep. Fisher said the language was taken out of the Idaho language. The language was put in because there are certain things that are not considered ritual abuse of minors.

Senator Towe asked Rep. Fisher if the intent was to exempt religious activities by the language on page 2, subsection 2, lines 5 through 8. Rep. Fisher said rape of children is not a religious activity.

Senator Towe asked Ms. Peterson about the people in these organizations. Ms. Peterson said her abuse took place in Bozeman. The group consisted of college kids and people from Bozeman. Ms. Peterson said the group was secretive and would threaten to kill her or her brother if she told anyone. Ms. Peterson said they did not go along with any religious sect that she knew.

Senator Towe asked Ms. Peterson if there was a religious base for the organization. Ms. Peterson said there was alot of satanic symbols, chanting, and ceremonies.

Senator Rye asked Scott Crichton, American Civil Liberties Union, asked if HB 405 would interfere with anyone's right. Mr. Crichton said the American Civil Liberties Union does not have any testimony on HB 405.

Senator Rye asked Mr. Crichton if he felt there would be a potential for litigation if HB 405 passed. Mr. Crichton would not comment.

Senator Towe asked Rep. Fisher about the language on page 2, line 2. Rep. Fisher said ritual abusers often threaten to kill a childs pet.

Chair Yellowtail said page 2, line 2 means that they threaten the minor, or in the presence of a minor, threaten a relative, friend, or pet.

Senator Towe said page 2, line 2, may need some language reconstruction.

Senator Towe asked Rep. Fisher if there was a reason why there were no fines as part of sentencing. Rep. Fisher did not think fines were considered for this serious crime.

Senator Halligan commented on the provision about threatening a pet. Senator Halligan said to a child a pet is as human as any person. There is more trust with a pet, therefore the threat against a pet would have more impact on a child than a threat against some relative or friends. Senator Halligan said that

provision is a critical part of HB 405.

Chair Yellowtail asked Rep. Fisher if an isolated incident of threatening an animal would constitute ritual abuse. Rep. Fisher said no.

Chair Yellowtail said subsection E would allow for a child to put someone in prison for ritual abuse, even though the threat was insincere.

Senator Halligan referred to the introduction language which read, "if you knowingly or purposefully, and as part of a ceremony right or similar occurrence." Senator Halligan said that statement would clarify subsection E.

Chair Yellowtail asked Rep. Fisher if it was the intention of subsection 2 to exempt ritual abuse if it is carried on under a religious group's umbrella. Rep. Fisher said she would prefer not to have "other activities" in subsection 2. However, attorneys felt the words should be left in the statute.

Chair Yellowtail asked Rep. Fisher why the statute of limitation provision, in subsection b, would allow action to be taken only until the person is 23 years of age. Rep. Fisher did not know.

Chair Yellowtail asked if that was the intention of HB 405.

Senator Halligan said the problem with prosecuting a case, after a long period of time has taken place, is finding witnesses to put a case together. Senator Halligan said it would also be hard for names to be remembered and then to locate those individuals.

Senator Doherty said he would be interested in some type of statute of limitations language that has been done for sexual abuse. Senator Doherty suggested,"the age of majority plus a certain amount of years, or when it could be been reasonably expected." Senator Doherty said that he was also interested in an amendment calling for "restitution" and "psychological counseling."

Senator Doherty asked Ms. Fisher about the definition of "ceremony, rite or other similar occurrence." Rep. Fisher said it would cover everything other than just saying ceremony or rite. Rep. Fisher said "other similar occurrences" was put in so no other type of ritual abuse would be missed, as it could be if it was attempted to list everything.

Closing by Sponsor:
Rep. Fisher urged the Committee for a DO PASS recommendation.

ADJOURNMENT

Adjournment: 11:27 a.m.

Wm Yellowtail
BILL YELLOWTAIL, Chair

Rebecca Court
REBECCA COURT, Secretary

BY/rc

ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-3-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

FC08

Attach to each day's minutes

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 3-3-93
BILL NO. HB 405

I am here to tell you what happened to me as a child, the bits and pieces of the horror I remember. I was not approached to testify here, yet wanted to do this because I think someone needs to break the silence of terror. My silence has been twenty long and agonizing years. Someone needs to know so others can be protected. For that, I must speak out.

When I was five I was drawn involuntarily into a cult. I was forced to drink blood and urine, eat human flesh, and participate in human and animal sacrifices. I was told to act dead while men had sex with me. I was drugged and raped with things such as broomhandles, barrels of guns I

was told were loaded, bottles, and tools, to name a few. I was raped continually by members of the cult. This occured over a two year period I had totally dissociated, or blacked out, until last September. I am still recalling more disgusting events and will be in therapy for many years to repair the damage done to me.

This abuse has permeated my present life. In December I went for ten days without eating and was only able to drink an occasional diet cola because everything tasted and smelled like blood. I have recently been diagnosed with Multiple Personality Disorder that originates from my abuse. Because of that, I have alters, or other

EXHIBIT 3
DATE 3-3-93
HB 405

personalities, who mutilate my body by cutting and bruising it to keep the secrets of my past from leaking out. The self-mutilation is also meant to keep the emotional and physical pain from becoming too intense. I will be maimed by these scars for the rest of my life.

I have been in the acute psychiatric unit of my local hospital fourteen times in the past three years. Eleven of those admissions occured in the last twelve months. I was committed to Montana State Hospital twice in the same three year period. Last Wednesday I returned from a month of intense therapy to help me deal with my dissociation and memories.

There, I met people from around the nation who have endured the same abominable tortures I have described.

My life has been shattered. I am unable to care for my children and sometimes myself. I have attempted suicide many times and I am constantly thinking of ways to end my pain - such as suicide. I am in physical pain from body memories 24 hours a day. No medication we've tried, including morphine, has alleviated the pain. My emotional pain stems from feelings of guilt and shame. I was told the abuse was my fault. I was told my brother would be hurt. I was told my parents would be shown pictures of

EXHIBIT 3
DATE 3-3-93
HB 405

me involved in sexual acts. I was threatened with death if I told. No child deserves this agony. No adult deserves this pain. No one.

I so desperately want to get on with my life. I want to care for my family. I want to be self-sufficient. The abuse has devestated my and my family. I have seen others incapacitated by the same issues. I once thought I was alone. I am not. There are others, many who live here in Montana. This abomination needs to stop. We need help stopping this, your help. We must protect those who cannot protect themselves.

TESTIMONY OF RANDALL E. MILLS, HELENA, ON HOUSE BILL 405 BEFORE THE SENATE JUDICIARY COMMITTEE OF THE MONTANA LEGISLATURE

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 3-3-93
BILL NO. HB405

March 3, 1993

Mr. Chairman, members of the committee, for the record, my name is Randy Mills, and I'm a Helena resident who wants to urge your favorable consideration of this important bill to outlaw certain abusive cult ritual activities.

I am interested in and supportive of this bill because I am an adult survivor of severe ritual abuse, perpetrated during my youth and early adulthood in northwestern Montana, New York, California and other places.

Like many survivors of severe abuse, I have been diagnosed as having Multiple Personality Disorder, and am in my third year of intensive psychotherapy to cope with these long-standing effects of abuse.

Professionally, I am a writer and researcher, and have been a reporter or copyeditor for most of the state's newspapers and news agencies. As a result of my disorder and the traumatic level of therapy I have been undergoing, I have not worked in the last two years and am considered 100 percent disabled by the Social Security Administration. I have recently begun a trial return-to-work program.

It is sad to admit that Montana does not have strong enough criminal sanctions to cover ritual abuse, but it is even sadder to admit that ritual abuse even occurs -- and to innocent children.

In fact, the horrors of ritual abuse, especially satanic cult abuse, are so tremendous that many people simply refuse to believe that it exists. Critics maintain that claims of satanic ritual abuse are really just attention-seeking by self-centered children or fantasy-enhanced memories of sexual or physical abuse that really did happen, but not in a cult or ritual setting.

Critics also say that there are no real satanic cults in America, that they do not have any organized structure or system, and that IF they exist, they do not routinely do anything even vaguely similar to what survivors are alleging across America. And society's refusal to believe in ritual crime is easy to understand: why would anyone want to believe that this exists? Why would anyone want to believe that their neighbor might be a closet satanist who works by day and drinks blood by night? It's far, far easier to simply deny that it exists, and to dismiss the claims of survivors as fantasies or even psychosis.

I am living proof that the critics are wrong. I and my fellow survivors are living proof that parents, siblings, grandparents, aunts, uncles and their friends can perpetrate severe physical, sexual and satanic ritual abuse on children in their own families, as well as other children.

I am living proof that there is an organized underground satanic cult network in the United States, and that they have active "covens," "grottoes" and other groups across the country. I live under threat from these people because of my recovery of memories of the abuse, and because of my activism in the area of exposing ritual abuse and treating survivors of such abuse.

I carry a gun and other personal defense items, and I try to keep my home address and phone number from being disclosed. Nevertheless, I do not cower from these people, and I am not afraid of speaking out against the abuse they perpetrate and pass on from generation to generation. I fully expect some sort of harassment and/or retribution as the result of my activism on this topic, and I am prepared for it.

Like many survivors of ritual abuse (I personally know about 150, many from Montana), I feel an obligation to stand up against these perpetrators and to speak out on behalf of fellow survivors who are not yet strong enough or safe enough to speak out.

We all know that child abuse is far more widespread than was thought 20 years ago, or even 10 years ago. We **KNOW** that such abuse has occurred and continues to occur at an alarming pace. We also know, despite claims to the contrary, that satanic ritual abuse has occurred and continues to occur at rates beyond most peoples' ability to comprehend.

If child abuse is a gun that shoots holes in the soul, satanic ritual abuse is an atomic bomb that vaporizes and shatters the soul, fragmenting it so badly that most ritual abuse survivors have Multiple Personality Disorder, Post-Traumatic Stress Disorder, or any number of other dissociative disorders that serve as coping tools.

While I do not want to publicly go into the gut-churning details of the abuse that I have suffered, I'll share that the sexual, physical and ritualized abuse was so horrific that my personality has shattered into more than 100 identifiable pieces that maintain separate identities, separate realities and entirely distinct interactions with current society.

EXHIBIT 4
DATE 3-3-93
HB 405

My poly-fragmented Multiple Personality Disorder is the result of abuse that would, in part, be outlawed by House Bill 405. Virtually every activity this bill proposes to criminalize was perpetrated on me by a family member and non-family members from the time of birth until my young adult years. Less-frequent forced interactions with these and other abusers continued until my early 20s.

Through my personal experience and my contacts with other survivors, I know that abusers can range from anonymous "ordinary" people to highly visible and respected community leaders, including health professionals, school teachers, law enforcement professionals, priests, business people, government employees, members of the U.S. armed forces, and members of the U.S. intelligence community. Literally anyone -- regardless of where they are on the economic, professional or social ladders -- can be involved in ritualized abuse and satanic cult abuse. And they're very good at leading "normal" daytime lives, while killing, maiming and abusing by night.

They regularly perpetrate the actions this bill would outlaw, and they focus their attention on young children who have absolutely no way to escape. They break down a child's will and trust to the point that the child truly believes that there is no way to get out and no person "safe" enough to talk to.

If the cult members begin their activities early enough in the child's life, as is often the case, the child grows up and, through the fragmenting of personalities, creates an internal psychic structure that allows the belief that "this is all there is."

They grow up not knowing that they're being abused. They grow up not knowing that it isn't normal to drink human blood still warm from the body.

They don't learn know that it isn't normal to consume the ground-up remains of human fetuses forcibly withdrawn from the womb of women used for cult "breeding" of undocumented children.

They don't learn that it isn't normal to tie a young woman to a stone "altar" and then rape her, sodomize her, skin her, disembowel her, and then, finally, kill her and thoroughly dispose of the remains.

They don't learn that most kids actually have beds instead of cages; that food is served cooked on plates, rather than raw meat thrown on the sub-basement floor; or that human and animal urine and feces are ordinarily not touched, drank, eaten, smeared on the body or injected into the body.

They grow up "knowing" that they can't tell about what has happened to them because the cult will find out. They are told -- and made to truly believe -- that eyeballs have been surgically implanted inside the body to allow the cult to track the child for the rest of his or her life. They are told -- and made to believe -- that devices have been implanted to allow the cult to see and hear if the child ever "tells." They are told -- and made to believe -- that bombs or other self-destruct devices have been implanted so that they will die if they ever "tell.

I could go on at great length describing the horrors I've seen and that fellow survivors have reported, and which I believe without question. Some of the stories would make what I've just described seem like a pleasant Sunday picnic.

I hope and believe passage of this bill will encourage people to report ritual crime -- perhaps slowly at first, but with growing frequency. I do not believe this bill will serve as a retardant to the spread of ritual abuse, especially that of organized transgenerational satanic cults. The people who perpetrate these acts are well beyond the reach of what you would consider normal human reason and emotion; a law criminalizing their activities will be meaningless to them.

I believe the bill may have some restraining effect on people who "dabble" in satanism and ritualized abuse, and perhaps even on our young people who are more and more frequently turning to satanism as a protest and a social support system. Just as ghetto children turn to gangs for some kind of "bonding" and family-like support, some of our children -- right here in Montana -- turn toward satanism as an alternative to an already rotten home life. Children who voluntarily turn toward what I call "minor" satanic activities would never touch the stuff if they were more aware of what happens to kids who have the misfortune to be born into an organized transgenerational cult.

Passing this bill would have an obvious and immediate impact on the state's ability to prosecute alleged ritual abusers. But most importantly, with proper promotion and public exposure, the bill will send a strong message to survivors that they **DO** have allies in their healing, and that someone somewhere **DOES** care.

Passage of House Bill 405 will be a strong message of support and affirmation to survivors of ritual abuse who get precious little support from a non-believing society.

I urge you to give HB 405 a "do pass" recommendation.

Thank you.

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Bill Yellowtail, on March 12, 1993, at 10:08 a.m.

ROLL CALL

Members Present:
Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. Tom Towe (D)

Members Excused: Sen. Harp, Sen. Rye

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 496
	HB 561
	HJR 21
Executive Action:	HB 561
	HB 405

HEARING ON HB 561

Opening Statement by Sponsor:
Representative Dave Brown, District 72, said HB 561 would amend the Montana Human Rights Act to prohibit discrimination by an agent or employer. HB 561 was requested by the Human Rights Commission. The purpose of HB 561 is to amend the definition of employer in the Human Rights Act so an agent of an employer may be held liable for acts of discrimination committed by the manager or employee. The definition is on page 3, line 16. HB 561 does not expand the liability of the employer for acts of discrimination. Under the present law, an employer is liable for

Closing by Sponsor:
Rep. Whalen hopes the Committee would view this issue not based upon particular feelings about the position the State Bar has taken on controversial issues, but on the standpoint of sending a message to the Attorney General. The concern is with the appearance it creates to the American public because the nominees are selected by a private organization that does not represent the American public. The ABA does not attempt to represent the American public and represents less than half the lawyers in the country as members. Rep. Whalen urges support for HJR 21.

EXECUTIVE ACTION ON HB 496

Motion:
Senator Brown moved HB 496 BE CONCURRED IN.

Discussion:
Senator Bartlett asked to hold on the motion in order to check on the terminology in regard to wheelchairs.

Senator Brown WITHDREW his motion.

EXECUTIVE ACTION ON HB 561

Motion/Vote:
Senator Franklin moved HB 561 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 405

Motion:
Senator Halligan moved amendment hb040501.avl. (Exhibit #3)

Discussion:
Senator Halligan explained the amendments.

Senator Towe asked Ms. Lane about item #8. Ms. Lane said the language came out of the statute that extends the statute of limitation for sexual abuse of children. Ms. Lane said she was going to include ritual abuse of a minor in that statute, but every other sentence contained sexual abuse of a child and it would become awkward to include ritual abuse of a minor. Ms. Lane said it would be less complicated to duplicate the statute for ritual abuse of a minor. Ms. Lane said the language was

almost identical to the language in the statute on sexual abuse of children.

Senator Halligan told the Committee that HB 405 does not change the criminal law statute of limitations except for the one existing in HB 405.

Vote:
The motion to AMEND CARRIED UNANIMOUSLY.

Motion:
Senator Towe moved amendments hb040502.avl. (Exhibit #4)

Discussion:
Senator Towe explained the amendments.

Senator Grosfield asked Senator Towe about item #5. Senator Towe told the Committee that item #5 is not clear, but it is better than including a laundry list which is dangerous because something could be left out.

Senator Grosfield asked Senator Towe about animal husbandry. Senator Towe told the Committee that his proposed amendment, hb040503.avl, would provide protection with regards to animal husbandry. The branding process is not a ceremony right or ritual. The language is very clear that a ritual offense only occurs when it is done purposely or knowingly by taking part of a ceremony, rite, or ritual.

Motion:
The motion to amend CARRIED UNANIMOUSLY.

Discussion:
Senator Towe explained amendment hb040503.avl. (Exhibit #5)

Motion:
Senator Towe moved amendment hb040503.avl.

Motion:
Senator Halligan moved to divide the question between item #1 and item #2.

Discussion:
Senator Halligan said he would like to insert a period after ceremony on the fourth line in item #1.

Senator Towe suggested deleting "practice on a daily basis in our culture" instead of deleting most of the paragraph.

Senator Halligan did agree with the suggestion from Senator Towe.

Senator Towe said the language "satanic cult" is important.

Senator Grosfield said many religions are referred to as cults. Senator Grosfield suggested striking "a cult religious activity including." Senator Towe accepted the proposal.

Senator Halligan said it does not.

Motion:
Senator Halligan made a substitute motion to adopt the statement of intent (item #1, hb040503.avl) after striking the remainder of the language after the period on line 4.

Discussion:
Senator Towe spoke against the substitute motion. Senator Towe would like to keep in the reference to including, but not limiting it, to a satanic cult ceremony.

Valencia Lane suggested that the statement of intent read on line 5, "and that the phase be interpreted in the manner that includes, but is not limited, to a satanic cult ceremony, rite, or ritual."

Vote:
The motion to adopt the statement of intent after striking the remainder of language after the period on line 4, CARRIED with Senators Towe, Crippen, Yellowtail, and Grosfield voting NO.

Discussion:
Senator Towe told the Committee the passage of the motion deletes any references to the rest of the sections.

Senator Grosfield asked Senator Towe about animal husbandry. Senator Towe said his concern regarding animal husbandry was spelled out to the courts in the statement of intent. Senator Towe said the portion of the statement of intent which was deleted, addressed satanic cults, rites, and rituals. Senator Towe said the deleted language made it easy for a judge to see that normal activity conducted by a farm or ranch, for instance branding or castration of animals, was not included in ritual abuse.

Motion:
Senator Towe moved item #2, amendment hb040503.avl.

Discussion:
Senator Blaylock asked Senator Towe about item #2. Senator Towe said everything in item #2 is already in the law, but does not include the same penalty.

Senator Halligan said if HB 405 is to specific, the prosecutors would only be able to charge a defendant with ritual abuse. Senator Towe said that was not correct because if two separate offenses occur, a defendant could be charged with two separate counts.

Senator Halligan said a defense attorney could argue that all the offenses were tied into ritual abuse, therefore the prosecutors would not be able to charge a defendant with separate counts. Senator Towe asked John Connor, Attorney General's Office, to comment on Senator Halligan's statement. Mr. Connor said he did not understand the intent of the amendment.

Senator Towe asked Mr. Connor about the sentence for an aggravated assault against a child under 16 years of age. Mr. Connor said if a victim under 14 years of age was assaulted by an offender 18 years of age or older, the offender would be subject to being in prison for a term not to exceed five years or fined $50,000 or above, which would be a misdemeanor.

Senator Towe said there should be an offense of assault when one has committed an assault during a satanic ceremony or rite. Mr. Connor said a defendant could be charged with assault under 45-5-201, sub 3, for an extended penalty and then charged with the ritual abuse of a minor for the acts other than the assault itself. A defendant would not have to be charged under the same statute.

Senator Towe said if a person was assaulted pursuant to a satanic ceremony, the defendant could receive a penalty of five years. Mr. Connor agreed.

Senator Towe said if the next person witnessed the drinking of blood the defendant could be receive a penalty of two to twenty years. Mr. Connor said correct.

Senator Towe told the Committee that was the purpose of item #1. (hb040503.avl)

Senator Towe asked Mr. Connor if item #1 would tie the hands of the prosecutor. Mr. Connor said item #1 would offer options for the prosecutors.

Vote:
The motion CARRIED with Senators Halligan and Blaylock voting NO.

Discussion:

Chair Yellowtail said he would postpone further action on HB 405, to work with the statement of intent.

ADJOURNMENT

Adjournment: 12:00 p.m.

Wm Yellowtail

BILL YELLOWTAIL, Chair

Rebecca Court

REBECCA COURT, Secretary

BY/rc

ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-12-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp			X
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye			X

FC08

Attach to each day's minutes

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 3-12-93
BILL NO. HB405

Amendments to House Bill No. 405
Third Reading Copy (BLUE)

Requested by Senator Halligan
For the Committee on Judiciary

Prepared by Valencia Lane
March 3, 1993

1. Title, line 6.
Following: "PROSECUTED;"
Strike: "AND"
Insert: "CREATING A STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR;"

2. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS 27-2-204 AND"
Following: "MCA"
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

3. Page 2, line 10.
Following: "shall"
Strike: ","
Insert: ": (a)"

4. Page 2, line 11.
Following: "term"
Strike: "not to exceed 10"
Insert: "of not less than 2 years or more than 20"
Following: "and"
Insert: "may be fined not more than $50,000, or both; and (b)"

5. Page 2, line 12.
Following: "offense"
Insert: ","
Strike: "shall"

6. Page 2, line 13.
Following: "term"
Strike: "up to life imprisonment"
Insert: "of not less than 2 years or more than 40 years and may be fined not more than $50,000, or both"

7. Page 2, line 14.
Following: line 13
Insert: "(4) In addition to any sentence imposed under subsection (3), after determining pursuant to 46-18-242 the financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time

of payment must be determined in the same manner as provided for in 46-18-244."

8. Page 4, line 14.
Insert: "NEW SECTION. Section 3. Tort actions -- ritual abuse of minor. (1) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of ritual abuse of a minor must be commenced not later than:

(a) 3 years after the act of ritual abuse of a minor that is alleged to have caused the injury; or

(b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of ritual abuse of a minor.

(2) It is not necessary for a plaintiff to establish which act, in a series of acts of ritual abuse of a minor, caused the injury that is the subject of the suit. The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator.

(3) As used in this section, "ritual abuse of a minor" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of [section 1].

(4) The provisions of 27-2-401 apply to this section.

Section 4. Section 27-2-204, MCA, is amended to read:
"27-2-204. Tort actions -- general and personal injury. (1) Except as provided in 27-2-216 and [section 3], the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years.""
{*Internal References to 27-2-204: None.*}
Renumber: subsequent section

9. Page 4, line 15.
Following: line 14
Insert: "(1)"

10. Page 4, line 18.
Following: line 17
Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 3].

NEW SECTION. Section 6. {standard} Severability. If a part of [this act] is invalid, all valid parts that are severable from

[illegible] invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 7. Retroactive applicability.** [Sections 3 and 4] apply to all causes of action commenced on or after October 1, 1993, regardless of when the cause of action arose. To this extent, [sections 3 and 4] apply retroactively, within the meaning of 1-2-109."

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EXHIBIT 3
DATE 3-12-93
HB 405

Amendments to House Bill No. 405
Third Reading Copy (BLUE)

Requested by Senator Doherty
For the Committee on Judiciary

Prepared by Valencia Lane
March 3, 1993

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 3-12-93
BILL NO. HB405

1. Page 1, line 13.
Following: "of"
Strike: "a"
Insert: "any"
Following: "or"
Strike: "similar occurrence"
Insert: "ritual or of any training or practice for any ceremony, rite, or ritual"

2. Page 1, lines 25 through page 2, line 1.
Following: "(e)" on line 25
Strike: remainder of line 25 through "person," on page 2, line 1

3. Page 2, line 2.
Following: the first "minor,"
Strike: remainder of line 2 through second "minor"
Insert: "threatens any person or animal"

4. Page 2, lines 5 through 7.
Following: "to" on line 5
Strike: remainder of line 5 through "other" on line 7

5. Page 2, line 8.
Following: "procedures"
Insert: "otherwise"

(OVER)

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 3-22-93
BILL NO. HB405

Amendments to House Bill No. 405
Third Reading Copy (BLUE)

Requested by Senator Towe
For the Committee on Judiciary

Prepared by Valencia Lane
March 5, 1993

1. Page 1, line 8.
Following: line 7
Insert: "STATEMENT OF INTENT

It is the intent of the legislature that the phrase "ceremony, rite, or ritual" be interpreted in a manner that does not include a ceremony, rite, or ritual performed in a formal, commonly recognized religious ceremony practiced on a daily basis in our culture and that the phrase be interpreted in a manner to include a cult religious activity, including but not limited to a satanic cult ceremony, rite, or ritual."

2. Page 1, line 14.
Following: line 13
Insert: "(a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, or felony assault against a victim less than 16 years of age; or kills a person less than 16 years of age;"
Renumber: subsequent subsections

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Bill Yellowtail, on March 27, 1993, at 3:10 p.m.

ROLL CALL

Members Present:
Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. Tom Towe (D)

Members Excused: Sen. Crippen, Sen. Rye

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	NONE
Executive Action:	HB 405
	HB 121
	HB 323
	HB 335
	HB 482
	HB 576
	HB 216

EXECUTIVE ACTION ON HB 405

Discussion:
Senator Towe explained amendment hb040504.avl.

Motion:

Senator Towe moved to AMEND HB 405. (Exhibit #1)

Discussion:
Senator Doherty resisted the amendment because the language in the amendment is very vague.

Chair Yellowtail asked Senator Towe about the statement of intent. Senator Towe said the statement of intent needs to be specific in explaining the purpose of HB 405.

Vote:
The motion to Amend HB 405 FAILED by Roll Call Vote.

Motion/Vote:
Senator Doherty moved HB 405 BE CONCURRED IN AS AMENDED. The motion CARRIED with Senator Blaylock voting NO.

EXECUTIVE ACTION ON HB 121

Motion:
Senator Towe moved to AMEND HB 121. (Exhibit #2)

Discussion:
Senator Towe discussed amendment hb012106.avl.

Vote:
The motion to amend HB 121 CARRIED with Senator Grosfield voting NO.

Motion:
Senator Grosfield moved HB 121 BE CONCURRED IN AS AMENDED.

Discussion:
Senator Doherty told the Committee that he would vote against HB 121 because it is poor public policy. When immunity is provided it promotes inefficiency and carelessness.

Senator Grosfield told the Committee that HB 121 came out of the Water Policy Committee. HB 121 does three things. HB 121 places some responsibility on the people for their actions. In the event of an accident, HB 121 would protect those people who built the dam if it was properly engineered. HB 121 also provides for a civil penalty for violation of the Dam Safety Act, which is $1,000 a day. Senator Grosfield asked the Committee to concur on HB 121.

ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-27-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen			X
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye			X

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 29, 1993

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration House Bill No. 405 (third reading copy -- blue), respectfully report that House Bill No. 405 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 6.
Following: "PROSECUTED;"
Strike: "AND"
Insert: "CREATING A STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR;"

2. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS 27-2-204 AND"
Following: "MCA"
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 8.
Following: line 7
Insert: "STATEMENT OF INTENT
It is the intent of the legislature that the phrase "ceremony, rite, or ritual" be interpreted in a manner that does not include a ceremony, rite, or ritual performed in a formal, commonly recognized religious ceremony."

4. Page 1, line 13.
Following: "of"
Strike: "a"
Insert: "any"
Following: "or"
Strike: "similar occurrence"
Insert: "ritual or of any training or practice for any ceremony, rite, or ritual"

5. Page 1, line 14.
Following: line 13
Insert: "(a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, or felony assault against a victim less than 16 years of age; or kills a person less than 16 years

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Senator Carrying Bill

financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

15. Page 4.
Following: line 13
Insert: "NEW SECTION. **Section 3. Tort actions -- ritual abuse of minor.** (1) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of ritual abuse of a minor must be commenced not later than:

(a) 3 years after the act of ritual abuse of a minor that is alleged to have caused the injury; or

(b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of ritual abuse of a minor.

(2) It is not necessary for a plaintiff to establish which act, in a series of acts of ritual abuse of a minor, caused the injury that is the subject of the suit. The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator.

(3) As used in this section, "ritual abuse of a minor" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of [section 1].

(4) The provisions of 27-2-401 apply to this section.

Section 4. Section 27-2-204, MCA, is amended to read:

"**27-2-204. Tort actions -- general and personal injury.** (1) Except as provided in 27-2-216 and [section 3], the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years.""
Renumber: subsequent section

16. Page 4, line 15.
Following: line 14
Insert: "(1)"

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration House Bill No. 482 (third reading copy -- blue), respectfully report that House Bill No. 482 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, lines 5 through 7.
Strike: "REQUIRING" on line 5 through "SERVICES;" on line 7
Insert: "AND"

2. Title, line 10.
Strike: "; AND" through "MCA"

3. Page 1, line 14.
Strike: "4 and 12"
Insert: "2 and 10"

4. Page 1, line 16.
Strike: "4"
Insert: "2"

5. Page 1, line 17.
Strike: "11"
Insert: "9"

6. Page 5, line 16.
Following: "(a)"
Insert: "not more than"

7. Page 5, line 17.
Following: "(b)"
Insert: "not more than"

8. Page 5, line 18.
Following: "(c)"
Insert: "not more than"

9. Page 6, line 21 through line 4 of page 12.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

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10. Page 14, line 22.
Strike: "right or"

11. Page 13, line 4.
Page 19, line 12.
Page 20, lines 5 and 6.
Page 21, line 10.
Page 23, lines 13 and 15.
Page 23, lines 18 and 19.
Page 23, line 24.
Page 24, lines 1 and 2.
Page 24, line 5.
Strike: "5 through 12"
Insert: "3 through 10"

12. Page 17, lines 19 and 22.
Page 20, line 1.
Page 21, line 16.
Strike: "7"
Insert: "5"

13. Page 23, lines 21 and 23.
Strike: "4"
Insert: "2"

-END-

ROLL CALL VOTE

SENATE COMMITTEE Judiciary BILL NO. HB405

DATE 3-27-93 TIME 3:15 A.M. P.M.

NAME	YES	NO
Senator Yellowtail		X
Senator Doherty		X
Senator Brown		X
Senator Crippen		
Senator Rye		
Senator Grosfield	X	
Senator Halligan		X
Senator Harp		X
Senator Towe	X	
Senator Bartlett	X	
Senator Blaylock	X	
Senator Franklin	X	

Rebecca Lovett
SECRETARY

Bill Yellowtail
CHAIR

MOTION: to amend HB 405 failed

Fo 9

Amendments to House Bill No. 405
Third Reading Copy

Requested by Senator Towe
For the Committee on Judiciary

Prepared by Valencia Lane
March 12, 1993

1. Page 1, line 8.
Following: line 7
Insert: "

STATEMENT OF INTENT

It is the intent of the legislature that the phrase "ceremony, rite, or ritual" not mean a ceremony, rite, or ritual performed in a formal, commonly recognized religious ceremony. It is intended that the phrase includes but not be limited to satanic cult ceremonies, rites, and rituals."

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 3-27-93
BILL NO. HB405

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration House Bill No. 405 (third reading copy -- blue), respectfully report that House Bill No. 405 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 6.
Following: "PROSECUTED;"
Strike: "AND"
Insert: "CREATING A STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR;"

2. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS 27-2-204 AND"
Following: "MCA"
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 8.
Following: line 7
Insert: "STATEMENT OF INTENT
It is the intent of the legislature that the phrase "ceremony, rite, or ritual" be interpreted in a manner that does not include a ceremony, rite, or ritual performed in a formal, commonly recognized religious ceremony."

4. Page 1, line 13.
Following: "of"
Strike: "a"
Insert: "any"
Following: "or"
Strike: "similar occurrence"
Insert: "ritual or of any training or practice for any ceremony, rite, or ritual"

5. Page 1, line 14.
Following: line 13
Insert: "(a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, or felony assault against a victim less than 16 years of age; or kills a person less than 16 years

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Sec. of Senate

Senator Carrying Bill

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of age;"
Renumber: subsequent subsections

6. Page 1, line 25 through page 2, line 1.
Following: "(e)" on line 25
Strike: remainder of line 25 through "person," on page 2, line 1

7. Page 2, line 2.
Following: the first "minor,"
Strike: remainder of line 2 through second "minor"
Insert: "threatens any person or animal"

8. Page 2, lines 5 through 7.
Following: "to" on line 5
Strike: remainder of line 5 through "other" on line 7

9. Page 2, line 8.
Following: "procedures"
Insert: "otherwise"

10. Page 2, line 10.
Following: "shall"
Strike: ","
Insert: ": (a)"

11. Page 2, line 11.
Following: "term"
Strike: "not to exceed 10"
Insert: "of not less than 2 years or more than 20"
Following: "and"
Insert: "may be fined not more than $50,000, or both; and (b)"

12. Page 2, line 12.
Following: "offense"
Insert: ","
Strike: "shall"

13. Page 2, line 13.
Following: "term"
Strike: "up to life imprisonment"
Insert: "of not less than 2 years or more than 40 years and may be fined not more than $50,000, or both"

14. Page 2, line 14.
Following: line 13
Insert: "(4) In addition to any sentence imposed under subsection (3), after determining pursuant to 46-18-242 the

SENATE
HB 405

financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

15. Page 4.
Following: line 13
Insert: "NEW SECTION. Section 3. Tort actions -- ritual abuse of minor. (1) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of ritual abuse of a minor must be commenced not later than:

(a) 3 years after the act of ritual abuse of a minor that is alleged to have caused the injury; or

(b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of ritual abuse of a minor.

(2) It is not necessary for a plaintiff to establish which act, in a series of acts of ritual abuse of a minor, caused the injury that is the subject of the suit. The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator.

(3) As used in this section, "ritual abuse of a minor" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of [section 1].

(4) The provisions of 27-2-401 apply to this section.

Section 4. Section 27-2-204, MCA, is amended to read:
"27-2-204. Tort actions -- general and personal injury. (1) Except as provided in 27-2-216 and [section 3], the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years.""
Renumber: subsequent section

16. Page 4, line 15.
Following: line 14
Insert: "(1)"

17. Page 4, line 18.
Following: line 17
Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 3].

NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 7. Retroactive applicability. [Sections 3 and 4] apply to all causes of action commenced on or after October 1, 1993, regardless of when the cause of action arose. To this extent, [sections 3 and 4] apply retroactively, within the meaning of 1-2-109."

-END-

HOUSE BILL NO. 405

INTRODUCED BY FISHER

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; ~~AND~~ CREATING A STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR; AMENDING ~~Section~~ SECTIONS 27-2-204 AND 45-1-205, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

STATEMENT OF INTENT

IT IS THE INTENT OF THE LEGISLATURE THAT THE PHRASE "CEREMONY, RITE, OR RITUAL" BE INTERPRETED IN A MANNER THAT DOES NOT INCLUDE A CEREMONY, RITE, OR RITUAL PERFORMED IN A FORMAL, COMMONLY RECOGNIZED RELIGIOUS CEREMONY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Ritual abuse of minor -- exceptions -- penalty.** (1) A person commits the offense of ritual abuse of a minor if the person purposely or knowingly and as part of a ANY ceremony, rite, or ~~similar occurrence~~ RITUAL OR OF ANY TRAINING OR PRACTICE FOR ANY CEREMONY, RITE, OR RITUAL:

(A) HAS SEXUAL INTERCOURSE WITHOUT CONSENT WITH A PERSON LESS THAN 16 YEARS OF AGE; COMMITS ASSAULT, AGGRAVATED ASSAULT, OR FELONY ASSAULT AGAINST A VICTIM LESS THAN 16 YEARS OF AGE; OR KILLS A PERSON LESS THAN 16 YEARS OF AGE;

~~(a)~~(B) actually or by simulation tortures, mutilates, or sacrifices an animal or person in the presence of the minor;

~~(b)~~(C) dissects, mutilates, or incinerates a human corpse or remains in the presence of the minor;

~~(c)~~(D) forces upon the minor or upon another person in the presence of a minor the ingestion or the external bodily application of human or animal urine, feces, flesh, blood, bone, or bodily secretions or drugs or chemical compounds;

~~(d)~~(E) places a living minor or another living person IN THE PRESENCE OF A MINOR in a coffin or open grave that is empty or that contains a human corpse or remains; or

~~(e)~~(F) ~~unless lawfully acting in defense of self or another person,~~ threatens the minor or, in the presence of the minor, ~~a parent, relative, friend, or pet of the minor~~ THREATENS ANY PERSON OR ANIMAL with death or serious bodily harm and the minor reasonably believes that the threat will or may be carried out.

(2) This section does not apply to ~~medical, religious, burial, agricultural, animal husbandry, educational, food preparation, hunting, fishing, or other~~ activities,

practices, and procedures OTHERWISE allowed by law.

(3) A person convicted of ritual abuse of a minor shall~~,~~:

(A) for the first offense, be imprisoned in the state prison for a term ~~not to exceed 10~~ OF NOT LESS THAN 2 YEARS OR MORE THAN 20 years and MAY BE FINED NOT MORE THAN $50,000, OR BOTH; AND

(B) for a second or subsequent offense, ~~shall~~ be imprisoned in the state prison for any term ~~up to life imprisonment~~ OF NOT LESS THAN 2 YEARS OR MORE THAN 40 YEARS AND MAY BE FINED NOT MORE THAN $50,000, OR BOTH.

(4) IN ADDITION TO ANY SENTENCE IMPOSED UNDER SUBSECTION (3), AFTER DETERMINING PURSUANT TO 46-18-242 THE FINANCIAL RESOURCES AND FUTURE ABILITY OF THE OFFENDER TO PAY RESTITUTION, THE COURT SHALL REQUIRE THE OFFENDER, IF ABLE, TO PAY THE VICTIM'S REASONABLE COSTS OF COUNSELING THAT RESULT FROM THE OFFENSE. THE AMOUNT, METHOD, AND TIME OF PAYMENT MUST BE DETERMINED IN THE SAME MANNER AS PROVIDED FOR IN 46-18-244.

Section 2. Section 45-1-205, MCA, is amended to read:

"**45-1-205. General time limitations.** (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, ~~or~~ 45-5-625, or [section 1], may be commenced

within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time the offense occurred.

(2) Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The period prescribed in subsection (2) is extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination ~~thereof~~ of the minority or incompetency;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not ~~himself~~ personally a party to the offense or, in the absence of ~~such~~ discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) ~~shall~~ must be extended in a prosecution for unlawful use of a computer,

and prosecution ~~shall~~ must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not ~~himself~~ personally a party to the offense or, in the absence of ~~such~~ discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.

(6) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced either when an indictment is found or an information or complaint is filed."

NEW SECTION. **SECTION 3.** TORT ACTIONS -- RITUAL ABUSE OF MINOR. (1) AN ACTION BASED ON INTENTIONAL CONDUCT BROUGHT BY A PERSON FOR RECOVERY OF DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR MUST BE COMMENCED NOT LATER THAN:

(A) 3 YEARS AFTER THE ACT OF RITUAL ABUSE OF A MINOR

THAT IS ALLEGED TO HAVE CAUSED THE INJURY; OR

(B) 3 YEARS AFTER THE PLAINTIFF DISCOVERS OR REASONABLY SHOULD HAVE DISCOVERED THAT THE INJURY WAS CAUSED BY THE ACT OF RITUAL ABUSE OF A MINOR.

(2) IT IS NOT NECESSARY FOR A PLAINTIFF TO ESTABLISH WHICH ACT, IN A SERIES OF ACTS OF RITUAL ABUSE OF A MINOR, CAUSED THE INJURY THAT IS THE SUBJECT OF THE SUIT. THE PLAINTIFF MAY COMPUTE THE PERIOD REFERRED TO IN SUBSECTION (1)(A) FROM THE DATE OF THE LAST ACT BY THE SAME PERPETRATOR.

(3) AS USED IN THIS SECTION, "RITUAL ABUSE OF A MINOR" MEANS ANY ACT COMMITTED AGAINST A PLAINTIFF WHO WAS LESS THAN 18 YEARS OF AGE AT THE TIME THE ACT OCCURRED AND THAT WOULD HAVE BEEN A VIOLATION OF [SECTION 1].

(4) THE PROVISIONS OF 27-2-401 APPLY TO THIS SECTION.

SECTION 4. SECTION 27-2-204, MCA, IS AMENDED TO READ:

"27-2-204. Tort actions -- general and personal injury. (1) Except as provided in 27-2-216 and [section 3], the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an

action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years."

NEW SECTION. **Section 5.** Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions of Title 45 apply to [section 1].

(2) [SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 27, CHAPTER 2, PART 2, AND THE PROVISIONS OF TITLE 27, CHAPTER 2, PART 2, APPLY TO [SECTION 3].

NEW SECTION. **SECTION 6.** SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATIONS.

NEW SECTION. **SECTION 7.** RETROACTIVE APPLICABILITY. [SECTIONS 3 AND 4] APPLY TO ALL CAUSES OF ACTION COMMENCED ON OR AFTER OCTOBER 1, 1993, REGARDLESS OF WHEN THE CAUSE OF ACTION AROSE. TO THIS EXTENT, [SECTIONS 3 AND 4] APPLY RETROACTIVELY, WITHIN THE MEANING OF 1-2-109.

-End-

Conference Committee
on House Bill 405
Report No. 1, April 16, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 405 met and considered :

1. Senate Judiciary Committee amendments, dated March 29, 1993, to House Bill 405

And recommend that the Senate amendments to House Bill 405 (reference copy -- salmon) be accepted.

And this Conference Committee report be adopted.

For the House:

Rep. Fisher, Chair

Rep. Bergman

Rep. McCulloch

For the Senate:

Sen. Franklin, Chair

Sen. Doherty

Sen. Happ

ADOPT

REJECT

C.C.R.#1
HB 405
840916CC.Hpf

The bonds will be sold for not less than their par value with accrued interest to date of delivery, and all bidders must state the lowest rate of interest at which they will purchase the bonds at par. The board reserves the right to reject any and all bids and to sell the bonds at private sale.

All bids other than by or on behalf of the board of investments of the state of Montana must be accompanied by a certified check in the sum of .... dollars, ($....), payable to the order of the clerk, which will be forfeited by the successful bidder in the event that ~~he shall fail or refuse~~ *the bidder fails or refuses* to complete the purchase of the bonds in accordance with the terms of ~~his~~ *the* bid.

All bids ~~should~~ *must* be addressed to the board of county commissioners ~~of said county~~ and delivered to the county clerk ~~of said county~~.

ATTEST:

.....
(Chairman, Board of County Commissioners)
of ..... County
State of Montana

.....
(Clerk of the Board of County Commissioners)
of ..... County, Montana
Address ....., Montana

(2) The form of notice required under this section may be modified to accommodate changes necessary to issue citizen bonds pursuant to [sections 1 through 4]."

Section 9. Section 7-7-2261, MCA, is amended to read:

"**7-7-2261. Maintenance of accounts for bond issues.** (1) The county treasurer of each county shall keep in ~~his~~ *the county's* books a special and separate sinking fund account for each series or issue of outstanding bonds, *including citizen bonds as provided in [sections 1 through 4],* issued by ~~his~~ *the* county. Each ~~such~~ fund must at all times show the exact condition ~~thereof~~ *of the bonds.*

(2) All taxes collected for interest and principal on county bonds ~~shall~~ *must* be placed to the credit of the sinking fund for which the taxes were levied.

(3) Interest from investment of money in a sinking fund account may, in the discretion of the board of county commissioners, be used as it accrues to fulfill or complete the specific project for which the bonds were issued.

(4) The sinking fund ~~shall~~ *must* be administered as provided in 7-7-123, 7-7-124, and 7-7-2270."

Section 10. Section 7-7-2265, MCA, is amended to read:

"**7-7-2265. Tax levy for payment of bonds.** (1) The board of county commissioners, at the time of making the levy of taxes for county purposes, must levy a separate and special tax upon all taxable property in the county for the payment of interest on and principal of each series or issue of bonds outstanding. The tax levy for any one series or issue of bonds must be entirely separate and distinct from ~~such~~ *the* levy for any other series or issue of bonds.

(2) ~~The~~ *Except as provided in subsection (3), the* levy made for the purpose of paying interest on and principal of each series or issue of bonds must be high enough to raise an amount sufficient to pay all interest on and so much of the principal, if any, of ~~such~~ *the* bonds as will become due and payable during the then-current fiscal year or within 90 days ~~thereafter~~ *after the fiscal year,* as ~~such amount is~~ shown by the treasurer's statement provided by 7-7-2264. If no part of the principal of ~~such~~ *the* bonds ~~will~~ become due and payable within ~~such~~ *that* time, then ~~such~~ *the* tax levy must be high enough to:

(a) raise an amount sufficient to pay all interest ~~which~~ *that* will become due and payable during the current fiscal year or within 90 days ~~thereafter~~ *after the fiscal year;* and

(b) ~~to also~~ place in the sinking fund for ~~such~~ *the* issue or series of bonds, for the payment of the principal ~~thereof~~ when ~~the same~~ *it* becomes due, an amount not less than a sum produced by dividing the whole amount for which ~~such~~ *the* series or issue of bonds ~~were~~ *was* originally issued by the number of years for which the ~~same were~~ *series or issue was* originally issued to run.

(3) The annual levies made for the purpose of paying off bonds that do not provide for periodic interest payments but, rather, are sold at a discount from their face value, as provided in [sections 1 through 4], must be actuarially sufficient so that at the time for redemption, there is an amount in the sinking fund sufficient to redeem the bonds."

Section 11. **Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 7, chapter 7, part 22, and the provisions of Title 7, chapter 7, part 22, apply to [sections 1 through 4].

Section 12. **Effective date.** [This act] is effective on passage and approval.

Approved April 28, 1993.

CHAPTER NO. 560

[HB 405]

AN ACT CREATING THE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR; PROVIDING THE TIME WITHIN WHICH THE OFFENSE MUST BE PROSECUTED; CREATING A STATUTE OF LIMITATIONS FOR CIVIL ACTIONS TO RECOVER DAMAGES FOR INJURY SUFFERED AS A RESULT OF RITUAL ABUSE OF A MINOR; AMENDING SECTIONS 27-2-204 AND 45-1-205, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE.

STATEMENT OF INTENT

It is the intent of the legislature that the phrase "ceremony, rite, or ritual" be interpreted in a manner that does not include a ceremony, rite, or ritual performed in a formal, commonly recognized religious ceremony.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Ritual abuse of minor — exceptions — penalty.** (1) A person commits the offense of ritual abuse of a minor if the person purposely or

knowingly and as part of any ceremony, rite, or ritual or of any training or practice for any ceremony, rite, or ritual:

(a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, or felony assault against a victim less than 16 years of age; or kills a person less than 16 years of age;

(b) actually or by simulation tortures, mutilates, or sacrifices an animal or person in the presence of the minor;

(c) dissects, mutilates, or incinerates a human corpse or remains in the presence of the minor;

(d) forces upon the minor or upon another person in the presence of a minor the ingestion or the external bodily application of human or animal urine, feces, flesh, blood, bone, or bodily secretions or drugs or chemical compounds;

(e) places a living minor or another living person in the presence of a minor in a coffin or open grave that is empty or that contains a human corpse or remains; or

(f) threatens the minor or, in the presence of the minor, threatens any person or animal with death or serious bodily harm and the minor reasonably believes that the threat will or may be carried out.

(2) This section does not apply to activities, practices, and procedures otherwise allowed by law.

(3) A person convicted of ritual abuse of a minor shall:

(a) for the first offense, be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than $50,000, or both; and

(b) for a second or subsequent offense, be imprisoned in the state prison for any term of not less than 2 years or more than 40 years and may be fined not more than $50,000, or both.

(4) In addition to any sentence imposed under subsection (3), after determining pursuant to 46-18-242 the financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

Section 2. Section 45-1-205, MCA, is amended to read:

"**45-1-205. General time limitations.** (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, ~~or~~ 45-5-625, *or [section 1]*, may be commenced within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time the offense occurred.

(2) Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The period prescribed in subsection (2) is extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination ~~thereof~~ *of the minority or incompetency*;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not ~~himself~~ *personally* a party to the offense or, in the absence of ~~such~~ discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) ~~shall~~ *must* be extended in a prosecution for unlawful use of a computer, and prosecution ~~shall~~ *must* be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not ~~himself~~ *personally* a party to the offense or, in the absence of ~~such~~ discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.

(6) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced either when an indictment is found or an information or complaint is filed."

Section 3. **Tort actions — ritual abuse of minor.** (1) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of ritual abuse of a minor must be commenced not later than:

(a) 3 years after the act of ritual abuse of a minor that is alleged to have caused the injury; or

(b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of ritual abuse of a minor.

(2) It is not necessary for a plaintiff to establish which act, in a series of acts of ritual abuse of a minor, caused the injury that is the subject of the suit. The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator.

(3) As used in this section, "ritual abuse of a minor" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of [section 1].

(4) The provisions of 27-2-401 apply to this section.

Section 4. Section 27-2-204, MCA, is amended to read:

"27-2-204. Tort actions — general and personal injury. (1) Except as provided in 27-2-216 *and [section 3]*, the period prescribed for the commencement of an action upon a liability not founded upon an instrument in writing is within 3 years.

(2) The period prescribed for the commencement of an action to recover damages for the death of one caused by the wrongful act or neglect of another is within 3 years.

(3) The period prescribed for the commencement of an action for libel, slander, assault, battery, false imprisonment, or seduction is within 2 years."

Section 5. **Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions of Title 45 apply to [section 1].

(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 3].

Section 6. **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. **Retroactive applicability.** [Sections 3 and 4] apply to all causes of action commenced on or after October 1, 1993, regardless of when the cause of action arose. To this extent, [sections 3 and 4] apply retroactively, within the meaning of 1-2-109.

Approved April 28, 1993.

CHAPTER NO. 561

[HB 427]

AN ACT GENERALLY REVISING THE LAWS RELATING TO PUBLIC ASSISTANCE; REVISING THE STATE ASSUMPTION OF COUNTY WELFARE ASSISTANCE; REVISING THE MILL LEVY LIMIT FOR A COUNTY; ELIMINATING EMERGENCY GRANTS; ELIMINATING GENERAL RELIEF; REQUIRING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PRESENT ALTERNATIVE PLANS FOR THE ADMINISTRATION OF PUBLIC ASSISTANCE PROGRAMS TO THE 54TH LEGISLATURE; AMENDING SECTIONS 7-6-2512, 7-6-2523, 15-10-412, 15-16-117, 33-32-103, 39-71-118, 40-4-215, 41-3-1122, 52-1-110, 53-2-201, 53-2-203, 53-2-207, 53-2-322, 53-2-601, 53-2-606, 53-2-608, 53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-2-1101, 53-2-1103, 53-2-1109, 53-3-205, AND 53-3-310, MCA; REPEALING SECTIONS 53-2-321, 53-2-323, 53-2-821, 53-2-822, 53-3-109, 53-3-110, 53-3-112, 53-3-113, 53-3-114, 53-3-121, 53-3-122, 53-3-201, 53-3-205, 53-3-207, 53-3-208, 53-3-209, 53-3-210, 53-3-211, 53-3-212, 53-3-215, 53-3-303, 53-3-304, 53-3-305, 53-3-307, 53-3-308, 53-3-309, 53-3-310, 53-3-311, 53-3-313, 53-3-314, 53-3-318, 53-3-321, 53-3-322, 53-3-323, 53-3-324, 53-3-325, 53-3-326, 53-3-327, 53-3-328, AND 90-4-211, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Legislative findings.** (1) The legislature finds that in order to use the limited resources of the state for the purposes of providing public assistance to persons whom it has determined are in need, certain programs must be eliminated and the provision of public assistance programs must be reorganized for more efficient delivery of services.

(2) The legislature finds that county governments are in the best position to efficiently and effectively deliver services for those in need who are not otherwise eligible for similar services provided by the department of social and rehabilitation services.

(3) (a) The legislature finds that the needs of persons who are aged, infirm, or misfortunate are adequately and appropriately provided for through the following programs:

(i) medicaid;

(ii) aid for dependent children;

(iii) food stamps;

(iv) commodities; and

(v) low-income energy assistance.

(b) The legislature further finds that the counties may in their discretion provide other programs of public assistance that they determine are appropriate and that may be funded with money derived from the county poor fund mill levy.

(4) The legislature finds that the effects of eliminating the state program of general relief are not known and that the administration and financing of public assistance programs by each county may not provide uniform assistance throughout the state.

Section 2. Section 7-6-2512, MCA, is amended to read:

"7-6-2512. County tax levy for nursing homes and hospital facilities. The board of county commissioners may, annually at the time of levying county taxes, fix and levy a tax, not to exceed 10 mills on each dollar of taxable valuation of property, upon all property within the county for the erection, maintenance, and operation of county-owned or county-operated hospitals and nursing homes or other hospital facilities created under 7-8-2102, 7-34-2201, 7-34-2301, and 7-34-2502. "Hospital facilities" as used in this section means a hospital or hospital-related facility, including outpatient facilities, public health centers, rehabilitation facilities, long-term care facilities, and infirmaries. The combined total number of mills levied under this section and for the county poor fund under ~~53-2-321~~ *53-2-322* may not exceed 18 mills. A higher levy may be made